The Forum

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THIS YEAR'S ELECTIONS: THEIR BEARING ON THE PRESIDENTIAL ELECTION.

THE near approach of the Presidential election for 1900, now but a trifle over a year hence, has naturally given rise to much speculation as to the probable outcome of that contest, and what effect, if any, the several State elections to be held in November of this year will have upon the National struggle so near at hand. While the conclusions reached in the consideration of these questions must necessarily smack largely of prophecy, yet this does not detract from the general interest in the subject or render our reflections wholly profitless.

So far as the candidates of the respective parties are concerned, and the platforms upon which they will stand, there is little room for doubt or speculation. Enough has already been made manifest through State party conventions and the public press to indicate, with a reasonable degree of certainty, that William McKinley will be the nominee of the Republican party and William J. Bryan will be chosen the standard-bearer of the opposition. This much may be regarded as practically already settled.

As to the probable declaration of party creeds, at least so far as old issues are concerned, there is as little room for doubt or conjecture. Party platforms already promulgated in those States where elections are to be held this fall make it clear that upon old issues the parties will divide precisely where they divided in 1896. The Republican party will reaffirm, with increased faith and vigor, its

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determination to maintain the gold standard and the monetary value of all our currency at a parity with such standard; its adhesion to the principles of protection to American industries and American labor; the upbuilding of a merchant marine and a navy sufficient to carry and protect our foreign commerce wherever our flag of trade may be unfurled; and, in general, a reaffirmation of all those principles embodied in its platform adopted in the National Convention at St. Louis in 1896, and upon which it achieved the political victory of that year.

It is equally certain that the Democratic party will readopt the Chicago platform in its entirety; involving the overthrow of the gold standard and the restoration of the free and unlimited coinage of silver at the ratio of 16 to 1; the complete abandonment of the policy of protection and the reinauguration of the policy of free-trade; and, in a word, the reassertion of all those principles of Democratic faith and practice which, in recent years, have characterized its utterances and marked the cause of its public administration. The candidates, therefore, and the issues for 1900 may be safely regarded as already practically selected and determined.

It remains only to inquire what effect, if any, the State elections of this year will have upon the Presidential election a year hence. Manifestly, this depends very largely, if not wholly, upon circumstances and conditions. If the State campaigns of this year could be conducted upon National issues wholly divorced from all local considerations, and nothing should occur in the meantime in any way to modify these issues, the result might be regarded as indicating, with a reasonable degree of certainty, the probable outcome of the Presidential contest. But such a condition is not probable or even possible. Elections are to be held in the month of November next in eleven States, as follows: Iowa, Kentucky, Maryland, Massachusetts, Mississippi, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Virginia. Several of these States; viz., Iowa, Kentucky, Maryland, Mississippi, Massachusetts, and Ohio are to make a choice of a full set of State officers, from Governor down. The remainder of the States are to elect State officials of more or less importance. In some of these States the result of the election will be suggestive only of the fact that the descendants of Ham constitute a controlling majority of their inhabitants; while in none can the result be regarded as certainly indicative, much less decisive, of the outcome of the Presidential contest. The reason for this is manifest. In the first place, it is

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utterly impossible wholly to ignore or suppress all State issues and questions of purely local concern and wage the contest solely on National lines; and, in the second place, if such a thing were possible, the issues of to-day are not likely to be, in all their bearings, the same as they will present themselves a year hence.

However much party leaders may endeavor to nationalize the contests in the various States, it will be impossible so completely to divert public attention from local questions, of more or less importance, as to make the result indicative of the probable public judgment of the country upon the issues as they shall be presented in 1900. Can the result of the campaign this fall, for instance, in the State of North Carolina, which has for its sole aim and purpose the disfranchisement of a large body of her citizens, be regarded as indicating, in the remotest degree, the judgment of her people on the question of territorial expansion? Or can the result in Virginia, where the leaders of the Republican party deem it expedient not even to make a contest this fall, give any indication of the probable outcome of the Presidential contest in that State in 1900? Clearly not.

But, above and beyond all this, and independent of these considerations, the fact remains that it is the "off year" in politics, the year in which individuals and factions, moved by prejudice, personal ambition, or local jealousies are prone to indulge their whims and to break away from the usual party restraints; attempt to liquidate their grievance account, possibly of long standing, upon which, it is imagined, there has accumulated a heavy burden of interest. They insist that it is a good year to "get even" and square the account. The fact, therefore, that this fall's election, in the several States named, will be influenced more or less by considerations entirely foreign to and independent of all National issues robs the result, whatever it may be, of that prophetic significance which it might otherwise impart. Of course, if it were possible in the approaching campaigns wholly to eliminate from the discussion all questions of personal and local consideration, and to arouse the public mind and fasten the public attention exclusively upon those issues which are sure to confront us in the Presidential election of 1900, then the result this fall would show not only the trend of the public judgment upon National issues, but point with almost unerring accuracy to the result a year hence. But such a campaign is entirely beyond the range of probabilities; and it is, therefore, scarcely worth while to speculate on results.

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But there is another reason, still more potential and conclusive, why the result of the elections this fall in the several States cannot be regarded as indicating, with any degree of certainty, what the verdict of the American people will be a year hence, upon the issues then to be tried. This statement is grounded upon the fact, which surely cannot be controverted, that it is impossible at this time to make up those issues with any degree of clearness or certainty. So far as old issues are concerned they can be formulated at any moment with absolute accuracy; but the new problems now in process of solution, growing out of the war with Spain, cannot at present be even stated, with any degree of accuracy and intelligence, as they will probably present themselves a year hence for the public judgment. A year of history is to be written, a congress is to be held with all its infinite possibilities for good or mischief, concerning the fate of our armies in the Philippines, the experiment of an independent nationality for Cuba, and the inauguration of a territorial government for Hawaii and Puerto Rico. All these questions, of great and far-reaching import, must necessarily present an entirely different aspect from that which they present to-day. It is to be hoped that by the time we enter upon the great Presidential struggle of 1900, with all its momentous issues, the inhabitants of Cuba will have demonstrated their capacity for self-government, and be able to enter upon and maintain an independent sovereignty without the support or defence of American arms; that Hawaii and Puerto Rico will be in full possession and enjoyment of the blessings of local self-government, not unlike that now accorded to the other Territories of the United States; and that our armies in the Philippines will have been so far successful as to give reasonable promise, if not to insure the early realization of the President's hope and expectation, that there is to be established in these islands "peace first, then a government of law and order protecting life and property under the Stars and Stripes." If such should be the condition of affairs in our newly acquired possessions a year hence, which may now be reasonably anticipated, it would be exceedingly difficult at that time to formulate an issue in relation thereto which would command public attention; and the cry of "imperialism," then, would be like the dismal sound of a fog-horn in clear weather.

A single instance in our political history, among many which might be cited, will serve to show of how little significance the result of a State election may be in indicating the probable outcome

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of a political contest, even in the same State, but twelve months later.

In 1862, when the public mind was at fever-heat over the stupendous struggle for National existence, the loyal people of the great States of New York, Pennsylvania, Ohio, Indiana, and Illinois, in their State elections of that year, entered emphatic judgment against the Administration of Abraham Lincoln. In the State of New York the contest between the rival aspirants for the governorship resulted in the defeat of the Republican candidate, and the election of Horatio Seymour by nearly ten thousand majority. In the State of Pennsylvania, that usually reliable Republican stronghold, the Democrats succeeded in dividing the delegation to the lower house of Congress and in securing an adverse majority in the State of about four thousand. In Ohio, out of the nineteen congressional districts the Democrats carried fourteen and the State declared against the Administration by a popular majority of about seven thousand. The result in Indiana was equally pronounced against the policy of Mr. Lincoln; the Democrats carrying eleven of the fourteen congressional districts, and the State by a decisive majority; while in Illinois, the President's own State, the Republicans succeeded in electing only three of the fourteen members of Congress, and lost the State by a popular majority of more than seventeen thousand. Summarizing the outcome of the elections in these five great States in the fall of 1862, we find that of ninety-nine representatives elected to the popular branch of Congress the Democrats secured fifty-nine, while the Republicans were able to muster but forty. Such a result in the great States, which, in 1860, Lincoln carried by decisive majorities, would seem to have foreshadowed the complete overthrow of the National Administration.

The cause for this startling revolution in public sentiment, within the brief period of two years, is not difficult of discernment. The abolition of slavery in the District of Columbia, followed by the proclamation of Abraham Lincoln declaratory of his purpose on the first day of January following to free the slaves "within any State . . the people whereof shall be in rebellion against the United States," created a storm of denunciation and opposition in and out of Congress, which, for the moment, threatened and came dangerously near wrenching these loyal States from their moorings and carrying them out upon the sea of open revolt. Emancipation was an untried policy, and by many looked upon as a doubtful, if not dangerous, expedient. This, together with the uncertain and varying fortunes of war, which

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thus far had marked our military operations, gave to the opposition a favorable opportunity, greatly to the disadvantage of the Administration, to play upon the fears and prejudices of the public, before the executive policy could be established and its wisdom demonstrated.

However, the events of a single year following the elections of 1862, changed the whole aspect of affairs, and with this came the enthusiastic commendation of the Administration by the very people who but a year previous had so signally condemned it. When the elections for 1863 came on emancipation was no longer threatened, but was an accomplished fact. Our armies had been successful. Grant had cut his way to the Gulf, Meade had stayed and beaten back the tide of rebellion on the field of Gettysburg, and Pennsylvania reaffirmed her allegiance to the Administration of Abraham Lincoln. In the State of New York Governor Seymour and his party were rebuked by a majority of thirty thousand; and Ohio reversed her verdict of the year previous by burying Vallandingham under an adverse majority of more than a hundred thousand.

To my mind the conditions now, in many particulars, are not unlike those of '62. Great and momentous questions of public policy, involving the future welfare and possibly the stability of the Republic, are in process of solution. Touching these the Administration has clearly foreshadowed its policy, the wisdom of which can only be made to appear by the result which shall ultimately be attained.

Hence, it seems to me, in the light of reason and experience, that the State campaigns of this year cannot possibly be conducted upon National issues as they will be presented next year, and that the result of these elections, therefore, will give no safe indication of the probable outcome of the approaching Presidential contest.

When that struggle is upon us it is to be hoped that many, if not all, of these new and vexing questions will be either settled or so far advanced in the process of solution as to give clear indication of the final result; and then, and only then, in the clear and steady light of that hour, will it be possible to invoke the mature, considerate, and intelligent judgment of the American people. J. C. Burrows.

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THE PRESENT OUTLOOK FOR CURRENCY REFORM.

AFTER several years of discussion by the public and by Congressional Committees, the currency question in the next session of Congress will be considered for the first time during this administration by a House and Senate both controlled by the Republican party, which, in 1896, declared itself for sound governmental money and the gold standard.

The time which has elapsed between the election of 1896 and the control of the United States Senate by the Republicans enables that party to approach the solution of the problem with a greater unanimity of opinion than was possible heretofore. Prior to the year 1893 it had not been generally recognized by our people that our present monetary system had an inherent weakness, the development of which was only dependent upon a commercial panic and deficient governmental revenues. The panic of that year and concurrent revenue deficiency furnished the needed demonstration of the existing defect. The two chief causes of this weakness were as follows: first, the disproportion existing between demand governmental currency liabilities and the gold in the Treasury with which to redeem them; and second, the fact that when these demand liabilities were once redeemed in gold they could be used again in the payment of governmental expenses. This latter fact was responsible for what was known as the "endless chain;" for the public, coming again into the possession of these demand currency liabilities, again called for their redemption in gold.

It was dissatisfaction with this condition of affairs rather than with our present system of banking and bank currency which found expression in the popular discussions of sound money prior to the election of 1896. Immediately after the election several radical, and somewhat experimental, plans of currency reform were earnestly pressed upon the attention of the country by certain students of finance, and, for a time, received general discussion and consideration. These plans provided in effect for the assumption by the national banks of the country of the burden of the gold redemption of outstand-

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ing governmental currency obligations, in return for the privilege of issuing their own notes to fill the vacuum caused by the eventual retirement of these currency obligations. These bank notes were to depend for their chief security on a first lien upon the commercial assets of the issuing banks, and were not to be protected by a trust deposit of government bonds as security, as under our present system.

Matured discussion, however, revealed the fact that agreement upon any one of those plans, differing as they did in fundamental particulars, was impossible even among those who believed in the principles underlying them; and they did not seem to be received with favor by the general public.

In his first message to Congress the President of the United States, recognizing the causes of the existing dangers to our currency system, made a recommendation designed to correct these evils rather than to introduce marked changes in the system. His recommendation was as follows:

"That when any of the United States notes are presented for redemption in gold, and are redeemed in gold, such notes shall be kept and set apart, and only paid out in exchange for gold. This is an obvious duty."

At the time of his second annual message to Congress the financial operations of the Treasury—incident to the Spanish War and the growing confidence of the public in the stability of the gold standard, which led them freely to deposit gold in the Treasury in exchange for notes—had lessened the disproportion between the demand currency liabilities of the Government and the gold in the Treasury to redeem them. For the accomplishment of this result surplus governmental revenues, at the time of the President's former message, had seemed essential; and after pointing out, therefore, in his message, that the proportion of net gold holdings to demand currency liabilities of the Treasury, November 1, 1898, was 25.35 per cent as compared with 16.96 per cent on November 1, 1897, he made a recommendation which marked an advance upon the one of his former message. This advance was made possible by the improvement in the condition of the Treasury. He states:

"In my judgment the present condition of the Treasury amply justifies the immediate enactment of the legislation recommended one year ago under which a portion of the gold holdings should be placed in a trust fund, from which greenbacks should be redeemed upon presentation, but when once redeemed should not thereafter be paid out except for gold."

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This plan of the President has commended itself, during the past year, to the best judgment of a constantly increasing number, until there now seems to be an almost unanimous consensus of opinion among the friends of sound money that it will properly be the foundation of the coming legislative reform of the currency. If Congress does nothing more than enact a law declaring the standard to be gold, and providing for its security and safety by this plan of the President, it will have carried into effect one of the greatest financial reforms of our history.

The importance of the separation of the gold reserve, which is the foundation of our currency, from the general fund of the Treasury is clearly indicated by the following statement of the Treasury conditions preceding the first sale of government bonds to replenish the gold reserve in February, 1894. It is to be remembered in connection with this statement that the gold paid into the New York Clearing House was in settlement of the balance against the Government, and to be attributed to the excess of governmental expenditures over receipts.

Month.	Net Cash Balance.	Net Gold in Treasury.	Notes Redeemed in Gold.	Gold Paid into New York Clearing House.
1893—January ...	$125,265,067	$108,181,713	$11,496,617	.....
February ..	124,128,089	103,284,219	13,828,664	.....
March.....	125,630,728	106,892,224	4,926,453	.....
April.....	121,482,903	97,011,330	20,051,910	.....
May	121,565,155	95,048,641	16,547,849	.....
June	122,462,290	95,485,414	4,250,651	.....
July.....	117,887,566	99,202,933	1,036,015	$4,940,000
August....	107,283,910	96,009,123	2,348,222	2,475,000
September..	106,875,632	93,582,172	340,727	15,395,000
October....	102,294,291	84,384,863	695,392	27,645,000
November..	95,199,616	82,959,049	516,372	15,150,000
December..	90,375,555	80,891,600	517,418	13,570,000
1894—January ...	84,082,098	65,650,175	356,356	19,015,000

From this statement it will be noted that the gold reserve in April, 1893, was reduced below the $100,000,000 limit, which has, for various reasons, come to be considered both by the public mind and in Treasury circles as the minimum amount to which the reserve can fall consistent with the safety of our currency system. It will be noted, also, that between this date and February, 1894, at which time bonds were sold to replenish the gold reserve, there had been gold disbursements from the Treasury for government expenses of $98,190,000, as com-

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pared with gold redemptions of currency obligations, during the same period, of $46,660,912. In other words, the first sale of bonds to replenish the gold reserve was due more to deficient governmental revenues than to the demand for redemption in gold of currency liabilities. During that period the whole financial and business community kept its eye on the dwindling reserve, upon whose condition depended the integrity of our monetary system, and which was being constantly drawn upon, not simply for its primary purpose of redeeming notes, but under the pressure of deficient revenues for governmental expenses as well. The public mind was again impressed with the acuteness of the situation by the first sale of government bonds to replenish the reserves, which called additional attention to the disproportion existing between the reserve and currency obligations; thus stimulating the additional demand for redemption which afterward occurred.

With the trust fund recommended by the President in existence, a deficiency in governmental revenues cannot eat away the foundation of our national currency; though it is true that when governmental revenues are deficient nothing can relieve the Government of the necessity of borrowing, unless revenues are increased by changed industrial conditions or new legislation. The passing into law of the President's recommendation cannot alter that fact. But it will have the effect of emphasizing the necessity of maintaining, by proper revenue laws, a closer relation between the current revenues and expenses of Government, and of preventing the loss of credit to our monetary system, resulting from borrowing for expenses the reserve which should be pledged to the specific purpose of protecting the currency.

The practical effect of the inability of the Secretary of the Treasury to use the trust gold fund for current expenditures will be to require the speedier adjustment by Congress of revenue laws to meet a given emergency. When this trust fund is in existence, if borrowing becomes necessary before proper revenue legislation can be had, the Government will borrow money under more favorable conditions than heretofore. When the Government concurrently borrows not only money to pay expenses, but gold to protect its currency, its credit is subjected to the severest strain, as evidenced by the high rates of interest paid on the governmental loans following the year 1893, when it was reduced to this situation.

The Government may be reduced to this extremity hereafter, even

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with this fund in existence; but the likelihood is made much more remote. After this fund has been established, the preservation of the gold standard by the direct act of the President and the Secretary of the Treasury, which we witnessed several times during the years from 1893 to 1896, would not be absolutely necessary, until the fund should have been exhausted by the redemption from it of an equal amount of currency. Its replenishment would then be necessary, either from surplus revenues or from borrowing. At present, the gold in the Treasury can be drawn on, both for currency redemption and for government expenses; and, under the laws of trade, these demands are almost sure to be made at the same time.

A great merit of the President's recommendation is its simplicity. The people understand it. They understand that it cannot result in contraction of the currency; for gold must come out of the fund into circulation when a greenback goes in. They see in it a relief from the "endless chain," which has caused such trouble heretofore, and a safe protection to the gold standard, which forms the present basis of business.

The chief steps in currency reform which the friends of sound money hope for and expect from the next Congress are: (1) the declaration for the gold standard; and (2) the enactment of this Presidential recommendation. The latter, while it does not involve a change in the currency now in circulation, provides for its safety; so that if a panic does occur again, it will not be because of distrust in the Government's currency, nor will it be able materially to injure the credit of that currency.

CHARLES G. DAWES.

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THE SUNDAY QUESTION.

THE question how we are to regard and how to keep Sunday is becoming one of grave national importance ; and the decision formed of it by such nations as England and America will have vast consequences for generations to come. Now, I trust that this paper will show that I am not what is called a rigid or narrow Sabbatarian ; yet, I say, without hesitation, that even those who might be so stigmatized by their opponents may yet be guided by a wiser instinct and a deeper insight than those who look down on them with scorn and devote their whole Sunday to pleasure and amusement. Without any Pharisaism, with no Puritanical gloom, it is right and wise to call the Sabbath—and the Sunday, which has taken its place—"a delight, holy to the Lord, and honorable." To do our own will and seek our own pleasure on the Lord's Day is a practice which will not bring a blessing on either nations or individuals, but rather the reverse.

The change which has taken place during the last twenty years, in the ordinary way of regarding Sunday, is very marked. It may be illustrated by the fact that the railway stations of London and of other great cities are now crowded every Sunday morning by men and women in sporting costume, who are on their way to the golf-grounds or the rivers to spend their whole Sunday in games and picnics, until the day is closed by a dinner party or a dance. It is a changed phase of modern life of which we should be wise to take note ; and it calls upon us to decide whether we should rejoice, or otherwise, in this new mode of spending what was for centuries regarded as a holy day.

In the Pentateuch of the Bible the reasons assigned for keeping the ancient Sabbath are threefold. In the Book of Exodus (xx. 8–11) it is commanded to be observed as a commemoration of the Sabbath rest of God ; in Deuteronomy (v. 12–15) it is ordained as a law of *kindness*, and a sign of gratitude for the Deliverance from Egypt. In Leviticus (xix. 30) it is an ordinance of *worship:* "Ye shall keep my sabbaths and reverence my sanctuary : I am the Lord." But the division of time into periods of seven days is not peculiar to Judaism. It existed among the Egyptians, the Chaldeans, and even the ancient Persians. The

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only *rule* for its observance laid down by Moses is that of "rest from labor." It was a boon of God to the nation, in order that one day in seven should be sheltered from the invasions of greed and toil.

Religionism is the destroying microbe of true religion; and in the hands of Pharisees the Sabbath was degraded into a fetish, and surrounded by masses of niggling regulations, for which they themselves provided means for evading when they found them irksome. The Pharisees did not, however, fall into the error of the Puritans, who made Sunday a day of gloomy inanition, in which it was a sin to take a walk, or pluck a flower, or enjoy any of the innocent refreshments of a glad spirit. Both Pharisees and Puritans turned what was meant as the privilege of *sons* into the cringing externalism and useless eye-service of *slaves*. Such errors arise from false and narrow notions of the nature of God—as though He were such an one as ourselves. Hence, Christ deliberately broke to pieces the wretched Pharisaic idol; and by His Sabbath healings and all His teaching restored the true principle that "the Sabbath was made for man, not man for the Sabbath;" that it was intended as a boon, not as a burden; and that, in this, as in all cases, God desires "mercy and not sacrifices."

Christianity substituted the sacred observance of the First Day of the week in place of the seventh, because "it set the clock of time to the epochs of Christ's history." Sunday began as a day of worship, and became in the age of Constantine a day of rest. The only *command* which we find in the New Testament about the manner of its observance has become the foundation of our offertories, which are so rich a means of doing good. It is St. Paul's advice: "On the first day of the week, let every one of you lay by him in store as God hath prospered him." Thus *rest*, worship, and *loving-kindness* are ideal modes of Sunday observances. To vulgarize Sunday into a common day is not so much to break a commandment as to violate a principle. It is to wrong both ourselves and our brother-men by throwing away a heaven-sent blessing. It is to act in ignorant selfishness, like a bad son who sacrifices his own good and that of his whole family by preferring his own will to the merciful ordinance of God.

Let me point out some of the indisputable blessings which might come from regarding our Sundays as days of innocent and holy gladness, and spending them rightly as happy interspaces amid the cares and labors of the world.

To put Sunday on the lowest ground it is a day *necessary* to man for rest of body, soul, and spirit. The very animals require such a

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rest. The horse which is allowed to rest one day in seven will last longer and be more serviceable than the horse which is worked every day alike. Moses pointed to this fact when he said, "that thy cattle may rest as well as thou."

The working classes should be most of all on their guard against the insertion of the thin end of the wedge of any custom which will first usurp Sunday for amusement, and then for greed. When they hear the infidel lecturer denouncing those who take this view as "tyrannous Sabbatarians," they should see that he is denouncing their best protectors and friends. Among the Jews, as the prophet Amos tells us, it was the meanest money-grubbers who used to say, "When will the Sabbath be gone, that we may sell wheat?" In the French Revolution, amid the frenzy of hatred for all religion, a holiday of one day in ten was substituted for one in seven—but an experience of twelve short years sufficed to show the nation, that one day in ten was not sufficient, and that they could not improve upon God's gracious ordinance. To how many a poor, weary English lad, amid the hardships of his toil, has the Sabbath beaten like balm upon his eyelids! Waking from his heavy, weary sleep the sweet music of church bells has told him that it was the blessed day of rest.

And let us remember that the working classes are the greater in number. Say there are twenty-five million people in England—for simplicity's sake, drop the millions—then out of the twenty-five, eight are young children; six are women; and, of the remaining eleven, two till the soil; six are in shops and manufactories; one is a tradesman; one is either in the workhouse or the gaol; and one belongs to the independent, the wealthy, or the professional classes. Now, even this one million of the comparatively prosperous need a day of holy rest: how much more the eight million children; the six million women; the nine or ten million shopmen, clerks, laborers, and artisans!

And this rest is needful *intellectually* as well as physically. The man of business or the scholar who makes no marked difference between Sunday and other days will be neither so happy nor so prosperous nor so long-lived as the man who on Sunday gives himself a respite from worldly cares.

Few men worked harder than the late statesman, Mr. W. E. Gladstone, yet he always kept his Sundays sacred from work even amid the intense excitement of political crises; and it was to this fact that he publicly attributed both his longevity and his health. "The

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Sabbath," said Adam Smith, "as a political institution is of inestimable value, independently of its claims to divine authority." "From a moral, physical, and social point of view," said Mr. Gladstone, "the observance of Sunday is a duty of absolute consequence." "Of all divine institutions," said the Earl of Beaconsfield, "the most divine is that which secures a day of rest for man. *It is the cornerstone* of civilization." "We are not poorer, but richer," said Lord Macaulay, "because we have, for many ages, rested one day in seven. That day is not lost. While industry is suspended, while the exchange is silent, while no smoke rises from the factory, a process is going on as important to the wealth of the nation as any process which is performed on more busy days. Man, the machine of machines, is repairing and winding up so that he returns to his labors with clearer intellect, with livelier spirits, and with renewed corporal vigor."

Next, apart from physical and mental rest, Sunday is an inestimable blessing as a day of *calm*—a day for utterly getting rid of any absorbing, exciting thought that may swerve and sway the soul. Such thoughts may become, alike to old and young, an engrossing, destroying fanaticism ; subduing the man to what he works in, like the dyer's hand, and shutting him out from the eternal, as a brass farthing held before the eye may shut out the sun. From this paralyzing slavery, whether of worldliness or of passion, Sunday may prove an effective emancipation. It may be as the hand of a dear friend laid upon the shoulder to warn us against some fatal deed ; as the voice of a loving monitor which whispers in our ear Beware ! as a strong arm held out to us from heaven to pluck us out of drowning floods and to save us "from being drawn down into the great whirlpool of time and sense."

Nothing may be so potent as are our recurrent Sundays to make us realize our true manhood, our divine prerogative, amid the benumbing bondage of dull routine. On a French tomb was once carved the striking epitaph, "He was born a man ; and died a grocer." No one who saved his Sundays can ever merge the sacredness of his immortality in his ledger or his moneybags, or be tempted to forget that behind the laborer or the mechanic stands the Man in the dignity of God's image, and with the sign of his redemption marked visibly upon his forehead.

"A servant with this clause,
Makes drudgery divine ;
Who sweeps a room as to My laws
Makes that and the action fine."

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The Sunday may most happily remind us and bring home to us, week by week, that we have an anchor of the soul, sure and steadfast, not chaining us to the treacherous depths of earth, but passing up through the aërial ocean, behind the veil of time and sense, and holding our souls firmly to the Everlasting Rock.

Again, if we forsake the duty—the plain, happy, eminently Christian duty—of gathering ourselves together for worship on Sunday "as the manner of some is," we voluntarily throw away one of the most precious and necessary elements in human life. We neither live nor die alone. The man will, necessarily, be a base and useless man who lives and dies only to himself. Public prayer is as necessary as private; and for those who, in mere selfish and arrogant vanity, neglect it, Sunday will become more and more a curse and not a blessing —a day of indolent indulgence and listless self-seeking. "There can be no religion," said the Comte de Montalembert, "without public worship, and there can be no public worship without a Sabbath."

And the blessed duty of public worship, of which our Lord Himself set us the constant example, involves, or brings with it, other blessings and privileges. Even if the gifts which we give on that day be small, and far below what, in nine cases out of ten, they ought to be, they yet furnish, in the aggregate, no trivial part of the means for carrying on the work of religion in the world, and are, only too often, the *sole* contributions which many furnish to any good cause outside of "the slightly expanded egotism" of their domestic claims.

In the common absence of religious self-culture they give almost the sole opportunity which is left for reminding us of the sacredness of our obligations to God and man, and of the awful peril of suffering our heart to become "hard as the nether millstone" in worldly selfishness. Nothing is easier than to sneer at sermons; but the world has found them necessary for many thousands of years, and to all but the arrogantly supercilious "the worst speak something good." Once more, if all begin to imitate the example of the selfish few, what would become of the great work of Sunday-school teaching, to which millions of the young, in all countries, and especially among our working classes, owe all that they ever effectively learn about things divine? It is a sad thing that nine-tenths of our Sunday-school teachers are women. This work, so far from being a work for young men to despise, might be an infinite blessing and deep source of happiness to them. Few men are so busy as great lawyers; yet four of our recent Lord Chancellors—Lord Hatherley, Lord Cairns, Lord Herschell, and

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Lord Selborne—were, for years, faithful Sunday-school teachers, amid the full tide of their honors ; and one of our most cultivated and brilliant judges—the late Mr. Justice Denman—who had been Senior Classic, and Fellow of Trinity College, Cambridge, told me that even his many and varied experiences as a judge had not been nearly so full of interest to him as his experiences as a Sunday-school teacher of the young and ignorant.

On all these grounds, then, I should regard it as nothing less than a national misfortune if Sunday became more and more secularized ; if public worship became more and more neglected ; if frivolous personal amusement became the one transcendent end of a day granted us as a boon. It was given us for *rest* indeed—which is most necessary, but is by no means best secured by indiscriminate pleasure-seeking—but also to secure for us *deliverance* from mere earthly interests and all enslaving routine ; and for *calm* amid constantly recurring excitement ; and for special *opportunities* for receiving good ourselves, and doing good to others and helping forward the best work of the world ; and for hope, which lends sweetness even to a bitter present, and which, like a charioteer who bends over his swift steeds, leans forward with eager gaze fixed on the goal—which is that unimaginable future wherein God shall be all in all.

We need be neither Pharisaic nor Puritanical in our view of what Sunday involves ; we are not required to burden it with a mass of petty regulations ; still less to degrade it into a sort of mechanical fetish, or to make of it a dreary form ; or to worry ourselves and others with perpetual little questions as to whether we may or may not do this or that on Sundays. But we *are* called upon to accept, and rightly to use, the blessing which God has granted to us all : a boon which we may neglect and despise at our pleasure, and at our peril, but which, if rightfully employed, and thankfully consecrated, may make all our lives more useful, more cheerful, more noble, more nationally fruitful and glorious than otherwise they can ever be.

F. W. Farrar.

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COMMERCIAL JAPAN.

THE new Japan is the object of special interest to all the world, and especially to all Americans—and with good reason. The United States was her godfather, her tutor, her adviser, her neighbor; and now that she is essaying to walk alone among modern nations, it is not surprising that we should look with interest, not to say solicitude, upon her first steps. It is less than half a century since our Commodore M. C. Perry "persuaded" Japan to open her doors, which had been closed to all the world since long before our nation existed. It was to the United States that she first sent envoys to make acquaintances and to observe the ways of the modern commercial and political world. To our schools and colleges she sent thousands of her best young men, who have now returned, and in turn are instructing hundreds of thousands of her people in the things which they learned here.

Many American citizens have taken up their abode in Japan as teachers in the schools and colleges and as instructors in modern methods, mechanical, mercantile, financial, and political. Numerous other American citizens have visited Japan in the interest of the Christian religion, and, mingling with the people, have carried the light of modern methods with the light of the Gospel. Thousands of citizens of the United States have been residents of Japan during the years since the acquaintance of the two nations began; and tens of thousands of Japanese citizens have, in that time, lived under the Stars and Stripes. The citizens of the United States residing in Japan to-day number more than 1,000, and of Japanese in the United States there

NOTE.—It is proper to call attention to the fact that in many cases, especially where the period under consideration extends over a considerable number of years, the increase of values, stated in yen, is more apparent than real; since the value of the yen, which, in 1885, was 85.8 cents, has gradually fallen, touching 52.9 cents in 1896, 51.9 cents in 1897, and 49.8 cents, upon the adoption of the gold standard, in 1897. The value of the Japanese yen on January 1 of each year, from 1885, expressed in United States currency, as shown by the report of the Director of the United States Mint, has been as follows: January 1, 1885, 85.8 cents; 1886, 81 cents; 1887, 78.4 cents; 1888, 75.3 cents; 1889, 73.4 cents; 1890, 75.2 cents; 1891, 83.1 cents; 1892, 74.5 cents; 1893, 66.1 cents; 1894, 55.6 cents; 1895, 49.1 cents; 1896, 52.9 cents; 1897, 51.1 cents; 1898, 49.8 cents. The sen is $\frac{1}{100}$ of a yen.

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are over 7,000, or more than in all Europe and the English colonies; while in Hawaii there are over 27,000 Japanese living under the American flag and within American jurisdiction. Finally, having been the godfather, instructor, and adviser of Japan, for many years, we have now become her nearest neighbor—in the Aleutian Islands at the north and in the Philippines at the south; and the Yankees of the Orient and the Occident, joining hands, control the line of strategic territory which stretches along the entire Pacific front of Asia.

Three important changes have been recently made in the political affairs of Japan: (1) the substitution of the gold standard for that of silver; (2) the establishment of a new and mildly protective tariff, instead of one whose highest and nearly uniform rate was 5 per cent *ad valorem;* and (3) the abolition of the extra-territorial system, and the substitution of that by which foreign residents become subject to her own laws and regulations. The substitution of the gold for the silver standard followed quickly the rejection of the latter system by the people of the United States in 1896, and went into effect in 1897. A new tariff, which became operative at the beginning of 1899, names rates of duties ranging from 5 to 40 per cent, many of which are clearly intended to encourage and protect home-manufacturing industries. The abolition of extra-territoriality places under the laws of Japan probably 5,000 citizens of other countries, who had for years been important factors in her foreign and domestic business, but up to this time had been under the control of consular courts and practically independent of the laws of the Empire.

What will be the effect of this change on the relation of Japan to other countries, and especially to this country, with which her commerce has so rapidly grown? As an importing and consuming country Japan has assumed great importance of late; and that importance is increasing every year. Her imports, which in 1881 were 31,128,125 yen, had by 1888 reached 65,455,234 yen, and in 1898 amounted to 277,270,228 yen. Will there be a disposition to check this growth of her importations, especially as she has meantime established a manufacturing system of her own? The importations, which were formerly carried on almost exclusively by foreigners, are passing more and more into the hands of Japanese merchants, who in 1897 imported into the country 36.4 per cent of the foreign importations, against 15.6 per cent in 1887, and 4.8 per cent in 1883. Will there be a disposition so to conduct the new order of things as to encourage this transfer of foreign business from the hands of foreign merchants to those of Jap-

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anese? Will the gold standard, as has been argued pro and con, restrict or encourage commerce? Is the new tariff sufficiently protective to have any marked effect upon importations, and especially so in the classes of goods which the people of the United States are selling and desire to sell to them?

These are questions which are of great importance to the commerce of the United States, whose exports to Japan have grown from less than $2,000,000, in the fiscal year 1881, to over $20,000,000, in 1898. In the year just ended the total was slightly less, by reason of the tariff changes which temporarily affected certain importations during that year; for the fiscal year 1899 being $17,264,688.

Before attempting to determine whether the new order of things will materially affect our commerce with Japan, and particularly our sales to that country, let us see what her principal importations from us have been in the past, both as to classes of articles and to the growth or otherwise of each of the important classes; also what she has been purchasing from other parts of the world; and still further what her own capacity is likely to be for producing at home the articles which she now imports, and which her population, growing in numbers, activity, earnings, and consequent wants, is demanding.

The total importations into Japan in 1881 were 31,128,125 yen in value; in 1890, 80,554,874; and in 1898, 277,270,228. Of the 1881 importations the United States supplied but 5.72 per cent; of the 1890 importations she supplied 8.56 per cent; and of the enormously increased importations of 1898 she supplied 14.57 per cent. Thus, in 1898, the year of Japan's greatest importations, the United States supplied a larger percentage of the total imports than in any preceding year. Meantime, our greatest rival in competing for the trade of Japan—Great Britain—suffered a loss in her percentage of the importations into Japan; the 1881 figures showing 52.57 per cent from Great Britain; those of 1890, 33.04 per cent; and those of 1898, 22.84 per cent. To put it in other words, the importations into Japan from the United States grew from 1,781,108 yen in 1881 to 40,001,097 in 1898, while those from the United Kingdom grew from 16,364,740 in 1881 to 60,707,572, in 1898—a gain of 2,146 per cent on the part of the United States and of 271 per cent on the part of Great Britain.

In one particular our commerce with Japan differs materially from that with most other parts of the world. While our total imports from the world at large have grown but slightly since our manufacturers began supplying the home market, and have actually fallen dur-

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ing the past few years, those from Japan have steadily increased. In the fiscal year 1881 they amounted to $14,217,600 in value; in 1890 they were $21,103,324; and in 1899, $26,716,493. The cause of this is easily discovered. Our most important imports from Japan are articles used by our manufacturers, or which cannot be produced at home. Raw silk, of which our manufacturers are consuming more and more each year, is largely obtained from Japan; the total importations amounting in value to $19,333,229 in the fiscal year 1889, and to $31,827,061 in the fiscal year 1899, about one-half of this coming from Japan alone. Of camphor gum, of which Japan is the chief producer of the world, our importations range in the vicinity of 2,000,000 pounds annually; the value in 1899 being $322,100. Of tea the importations from Japan range in the vicinity of $4,000,000 annually, or nearly one-half of our total imports of that article; the figures for the fiscal year 1899 being 29,277,708 pounds, valued at $4,016,187. Of rice, of which our production is not sufficient for domestic wants, the importations from Japan have ranged from 20,000,000 to 30,000,000 pounds annually, but in the fiscal year 1899 were 57,412,717 pounds, valued at $1,061,724; while of silk, dress, and piece goods the imports of 1899 amounted to $2,042,797, and those of matting for floors to $1,674,158. It is thus apparent that our imports from Japan must and probably will continue to grow, as the silk manufacturing industry in the United States is rapidly developing, and the demand for tea, rice, and the other classes of articles, now necessarily imported, is likely to increase with the growth of population, rather than decrease.

Vastly more important to us, however, is the question of the market which Japan affords for our productions of the farm and factory; *i.e.*, whether it is likely to continue to grow as it has done in the past.

The largest item of Japan's importations is raw cotton. It happened that in the year 1898 the importation of rice slightly exceeded that of raw cotton, being over 48,000,000 yen in value against 45,000,000 of raw cotton; but this was entirely unusual, and due to a temporary shortage in home production of rice. The average importation of rice during the years from 1892–96, inclusive, was less than 5,000,000 yen per annum, and that of raw cotton over 20,000,000 yen per annum; while in 1898, as already indicated, the total importation was over 45,000,000 yen. The importation of raw cotton has steadily and rapidly grown since 1892, having been in that year 11,026,637 yen in value;

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in 1894, 19,103,922; in 1896, 32,106,275; and in 1898, 45,410,457 yen. Cotton-spinning machinery has been rapidly introduced into Japan; the number of spindles now in operation being 1,358,000, against 757,196 in 1896, 530,074 in 1894, and 381,781 in 1893. It is thus apparent that the demand for raw cotton in Japan is not only very great, but is likely to continue to increase. The question which naturally interests us, then, is, whether the United States will be able to furnish this cotton in competition with the nearer markets and cheaper labor of British India and China. An examination of the Japanese statistics of the past few years encourages the belief that this will be the case.

The total importations of raw cotton into Japan in 1896 were 32,106,275 yen in value; and of this 4,252,398, or 16.8 per cent, was from the United States. In 1898 the importations were 45,410,457 yen in value, of which 14,751,199, or 32½ per cent, was from the United States. In 1896 the value of the cotton importations from China was double that from the United States, while in 1898 the total from the United States was three times as much as that from China. In 1896 the total value of the cotton importations from India was nearly four times as much as that from the United States, while in 1898 it was but 66 per cent greater than that from the United States. An examination of our own export figures further shows the growth in popularity of American cotton in Japan. The number of pounds of cotton exported to Japan from the United States was, in 1889, but 23,500; in 1890, 841,959; in 1892, 1,574,315; in 1894, 4,801,595; in 1896, 20,194,174; in 1897, 32,011,252; and in 1898, 112,106,823. In 1899 the figures were slightly less than those of the preceding year, due to the excessive importations in 1898; the total for 1899 being 91,367,051 pounds. Cotton from the United States is preferred by the Japanese mills, because it is a longer staple and is proving more satisfactory; and that it is able to make its way against the cheaper-grown cottons of the nearer markets of China and India is shown by the fact, that the rapid increase in importations of American cotton was made in the face of import prices from 10 per cent to 15 per cent higher than those of the India and China cottons imported. When the superior quality of American cotton and the rapid gain in its hold upon the markets of Japan are taken into consideration, and with this the probability that an isthmian canal will soon place the cotton fields of the United States in direct water communication with the markets of Japan, it seems reasonable to assume that we may not only hold, but rapidly increase our share in this rapidly growing market. That the market is likely

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to continue to grow can scarcely be questioned, since Japan has but a small area suitable for the production of cotton, of which nearly all is necessarily occupied in the production of food-stuffs for her dense and rapidly increasing population.

The next article of importance in the importations into Japan is sugar, the total for 1898 being 21,789,035 yen; and in this, of course, it cannot be expected that a sugar-importing country will attempt to compete. It is quite probable, however, that a marked change in the system of sugar importations into Japan will be made at an early day. A large proportion of the sugar imported up to this time has been refined. The recently adopted tariff, however, places a duty of but 5 per cent on raw sugar and 20 per cent on refined, with the evident purpose of encouraging sugar-refining in Japan; so that while we cannot expect to supply the sugar market of that country, it is not improbable that we may be called upon to supply quantities of machinery for refining establishments. The next largest importation after sugar is cotton yarn; the total in 1898 amounting to 8,547,588 yen in value. This market, however, seems likely to decrease rather than increase, as the rapid growth in the cotton-manufacturing industry has not only led to a decrease in importations, during the past two years, but has increased very materially the exportation of cotton yarn from Japan, especially to China, whose importations of this article from Japan in 1897 and 1898 were heavy.

Next in the list of imports, in value after cotton yarn, comes kerosene oil; the value of the importations in 1898 being 7,452,878 yen, against 7,667,350 in 1897, 6,331,056 in 1896, and 4,700,554 in 1895. Of this article the United States has, until within the last two or three years, held the bulk of the trade. Recently, however, rivals have come to the front, both in Asiatic Russia and in the Dutch East Indies. The importations from the Dutch East Indies, which were not of any considerable quantity until 1898, were in that year 3,735,720 gallons, while those from Asiatic Russia have ranged from 16,000,000 to 18,000,000 gallons annually for several years. The importations from the United States, however, showed a fairly satisfactory gain; being 47,065,815 gallons, in 1898, against 39,983,880, in 1897, and 36,055,613, in 1896.

The next article of importance which enters into our list of supplies to Japan is tobacco, and in this the importations of that country have grown with remarkable rapidity; being in 1894, 68,567 yen; in 1896, 148,628; in 1897, 425,112; and in 1898, 4,700,455. It is proper to add,

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however, that the heavy importations of 1898 were doubtless due in some degree to the prospective increase of duty by the new tariff, though the rapid growth in preceding years shows that the market for this article of importation is being rapidly extended. A large proportion of this is drawn from the United States, the figures for 1898 showing the value of leaf-tobacco imports from the United States to Japan as 1,598,235 yen out of a total value of 4,527,659, practically all of the remaining supply being obtained from China; from which the importations were valued at 2,904,671 yen. Of the importations of cut tobacco, which amounted to 172,796 yen in 1898, a total of 138,982 yen was from the United States; and of the importations of cigarettes, which amounted, in 1898, to 1,720,827 yen, 1,203,283 was from the United States. Taking all forms of tobacco—cigars, cigarettes, and cut and leaf tobacco—the total value of the importations in 1898 was 6,619,856 yen, of which nearly one-half was from the United States.

Another article in which the importations into Japan have grown rapidly of late, and which suggests great possibilities for American producers, is that of oil-cake for fertilizing. The importations in 1893 were but 599,893 yen in value, but have steadily grown, until in 1898 they were 4,614,967. The necessity for a careful cultivation of the soil of Japan is apparent, when it is remembered that the total area is only about equal to that of the State of California, and that her population is nearly 45,000,000. When it is further remembered that only a comparatively small proportion of her soil is cultivable, and that only about 12 per cent is actually under cultivation, it will be seen that there must be a constant need of fertilizers to render possible a production of sufficient food-stuffs to supply the growing demand. That this supply of fertilizers must come largely from abroad is apparent when we bear in mind that the number of domestic animals in Japan is extremely small; the number of cattle being but 27 for each 1,000 inhabitants, against about 600 for each 1,000 in the United States, and the number of horses even less. The United States is a large producer and exporter of oil-cake, the exports of that article having grown from $6,927,912 value in 1889 to $14,531,142 in 1899; and while a large proportion of that now exported is presumably used for food for cattle, our possibilities for supplying a demand for fertilizers, both with oil-cake and phosphates, of which we are now the largest producers in the world, are unlimited.

Following down through the list of imports into Japan in 1898,

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and considering them in the order of magnitude, we find the next largest item, gray shirtings, 4,382,509 yen ; mousseline de laine, 4,373,988 yen ; locomotive engines, 4,265,854 yen ; bar and rod iron, 4,060,805 ; watches and parts thereof, 3,066,329 yen ; woollen cloth, 2,803,607 yen ; cotton-spinning machinery, 2,761,875 yen ; alcohol, 2,699,982 yen ; rails for railways, 2,631,712 yen ; printing-paper, 2,283,214 ; indigo, 2,270,814 ; flour, 2,022,412 ; while the list between 2,000,000 and 1,000,000 yen in value includes cigarettes, satins of cotton, raw wool, flannels, plate and sheet iron, pig iron, iron pipes, aniline dyes, cotton prints, nails, Italian cloth, and leather. Taking the first 100 articles in the list in the order of magnitude, they range from rice, 48,019,810 yen, down to photographic instruments, 206,285 yen. These 100 articles form in round terms 90 per cent of the total value of the importations of 1898.

A careful examination of this list shows that at least 90 of them are of classes which can readily be furnished by our producers and manufacturers, by far the larger share being manufactured goods ; while an examination of the remainder of the list shows quite as large a proportion of articles that we can supply. Indeed, the only important articles imported in the year 1898 which our producers and manufacturers could not supply were rice, sugar, indigo, wool, chemicals, dyewoods, tin, cocoons, lacquer, pongee silk, packing-mats, Chinese liquor, ivory, and rattan. The total value of the 1898 imports which could not be readily supplied by the United States was but 75,000,000, out of 275,000,000 yen ; thus leaving a field of 200,000,000 yen, equal in value to $100,000,000, in which to compete with nations less advantageously located, and with no better facilities for producing than our own.

That we have already made satisfactory and rapid gains in supplying this growing market is evident from a study of our own exports to Japan. As already indicated, the total has grown with remarkable rapidity ; but it may be interesting to examine the details as regards the more important articles of our export to that country. Taking them in the order of magnitude, we find raw cotton, which, as has already been shown, increased from $85,211 in 1890 to $7,435,526 in 1898 ; leaf tobacco, from $7,340 in 1895 to $2,414,482 in 1899 ; iron and steel manufactures, not separately classified, from $40,552 in 1893 to $1,405,715 in 1899 ; flour, from $127,120 in 1890 to $722,710 in 1899 ; machinery, from $32,758 in 1894 to $569,691 in 1899 ; locomotive engines, from $8,000 in 1890 to $529,514 in 1899 ; cigarettes,

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from $76,556 in 1890 to $445,263 in 1899; distilled spirits, from $5,134 in 1890 to $414,404 in 1899—and so on through a list of nearly 100 articles, in practically every one of which the record of the decade shows a rapid increase. Taking the first 50 articles in the list and arranging them in the order of magnitude, the values start with raw cotton at $5,775,784 and range down the column to cheese, $5,965. The value of these 50 classes of articles exported to Japan is over $16,000,000 in 1899, against only $5,000,000 in 1890; and of the entire list all except raw cotton and leaf tobacco are either manufactures or productions into which sufficient labor has entered to justify their inclusion in that general category.

Having seen our ability to supply in increasing quantities most of the articles which Japan now imports, it remains to inquire whether she is likely to continue an importer of these and similar articles, and whether her people, under the new conditions, are likely to look with favor upon our ambition to increase our share in supplying them. To determine these questions, the conditions of the producing and consuming capacity of Japan must be considered. As already indicated, a very large proportion of her cultivable area is not only under cultivation, but has been brought to its highest producing capacity. In one of the northern islands there is a considerable area which will probably in time be brought under cultivation for wheat and other grains similar to those cultivated in the northern parts of the United States; the climate of that island being similar to that of northern New York, Michigan, and Minnesota. This only indicates, however, that Japan, as her population grows, may possibly be able to continue to furnish her own general food-supply. Experiments in the production of cotton and tobacco have, up to this time, not encouraged those desiring to establish and extend industries in those lines; and with the probability that increased demands will be made upon the limited cultivable area of the island, through the rapid growth of population and the increase in consuming power which accompanies increased earnings, it seems unlikely that Japan will produce her own cotton or her own tobacco. This would seem to leave permanently open an extremely important field; especially since the cotton importations are, under normal conditions, the largest of the foreign purchases of the island, while tobacco, as already shown, has assumed a very great importance as an article of importation.

A disposition to increase the consumption of wheat-flour is also apparent upon an examination of the import figures of Japan, which show

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that the importations of flour increased from 278,736 yen in value in 1892 to 2,022,412 in 1898; and when it is considered that the European and American population in Japan numbers but about 5,000, and has not materially changed in the seven years in question, it will be seen that the Japanese taste for wheat-flour is rapidly increasing. That the United States is benefiting by this is shown by the fact that our own exportations of flour to Japan have grown from $127,120 in 1890 to $569,691 in 1899. Importations of beans, pease, and pulse have grown from 2,712,044 yen in 1892 to 7,101,130 in 1898; thus indicating a disposition to increase the demand upon foreign countries for food-stuffs of various classes, and offering a suggestion to exporters of the United States who have not, up to the present time, apparently made any attempt to occupy this field. Among other food-stuffs imported are condensed milk, which increased from 175,397 yen in 1892 to 359,851 in 1898, a large proportion coming from the United States; lard, tallow, etc., from 53,681 yen in 1896 to 163,911 in 1898; salted meats, from 2,613 yen in 1892 to 149,799 in 1898; butter, from 48,665 yen in 1892 to 133,233 in 1898. Our own statements of exports to Japan also show among the food-stuffs the following growth in importations into Japan: beef, salted or pickled, $4,812 in 1891, and $42,893 in 1899; beef, canned, $11,212 in 1890, $40,750 in 1899; breadstuffs, other than flour, $9,667 in 1890, $21,852 in 1899; bacon and hams, $5,480 in 1890, $15,507 in 1899; and cheese, $2,035 in 1890, $5,965 in 1899. Thus, in the matter of increase and diversification of the food-stuffs consumed, it will be seen that there is a marked and, in many cases, rapid change in favor of larger importations and larger calls upon foreign markets; all the articles in question being of the classes which the United States can more readily supply than can any other nation.

Manufactures, however, are the most attractive field for those considering the importations, present and prospective, of Japan. While the belief has been frequently expressed that Japan, with a population of skilful men and women, quick, as a rule, to imitate as well as originate, would, on the introduction of foreign products, soon become the producer in quantities sufficient to supply the local demand, experience does not justify that belief. The watch factory, for instance, which was established at Osaka years ago, has turned out very few watches; and its work has not been such as to meet the expectations of those who predicted success for it. Instead of meeting the home demands for this class of articles, the importation of

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watches into Japan has increased from 485,593 yen in 1892 to 3,066,-329 in 1898, and that of clocks, from 202,141 yen in 1892 to 353,398 in 1898. Predictions were also made that the importation of a few bicycles into Japan as models would be followed by their manufacture in such quantities as to meet local demands. But these predictions have not been justified by events, since the importation of bicycles has continued to grow ; being in 1898 more than double that of 1896.

Importations of iron and steel and their manufactures are the most important of all Japan's importations aside from raw cotton and rice ; and, indeed, it is not improbable that if all of them could be grouped, their total value would exceed that of raw cotton. It is, therefore, especially interesting to determine whether in these articles Japan, with her large, active, and ingenious population, is likely to become a manufacturer. At present the conditions seem to be adverse. Up to this time comparatively little iron has been found in Japan, and where found it is not, as a rule, associated with coal. The success of England and the United States in iron-producing lies largely in the fact that coal, iron, and limestone are found in juxtaposition. Japan's supply of coal is such as to justify the belief that it will meet her ordinary requirements for many years, and also furnish such supplies as the mercantile and naval marine of the world, passing in that vicinity, may require. But her iron supply, as I have said, has not yet proved to be large, nor so located as to furnish the facilities for cheap and satisfactory production which are found in other parts of the world. In addition to this present conditions in the iron-manufacturing industries of the world require enormous expenditures for those entering upon production, and who expect to compete in prices with the well-established modern iron-works, especially those of the United States. Owing to this fact it seems improbable that, even if Japan should succeed in producing her own iron and steel in a crude state, she would, during the present generation at least, obtain the facilities for manufacturing in competition with already well-established manufacturing plants of the United States.

As a whole, then, it may be concluded : First, that in the principal agricultural importations of Japan, raw cotton, tobacco, flour, and other food-stuffs, she is likely to increase her demands, and to look more largely to the United States than to any other part of the world to meet them. Second, that in cotton manufactures it is probable that she will supply the home demand ; her cotton manufactories having rapidly increased, during the past few years, until, as already indicated,

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their spindles now number more than 1,300,000, while her importations of manufactures of cotton have already begun to decrease by reason of the rapid increase in home production. Third, that in the large proportion of other manufactures iron and steel, and their various classes of manufacture, machinery of all sorts, printing-paper, leather goods, woollen goods, glass and glassware, fertilizers, material for her railways, and the thousand and one things which American ingenuity and modern appliances produce and make a matter of convenience or necessity, it seems likely that Japan will continue to call upon the outside world, as will also be the case with reference to food-stuffs other than the staples which she now produces in quantities usually sufficient to meet local demands.

One interesting development which has followed the introduction of manufacturing industries in Japan relates to the fact that prices of labor rapidly increase where the manufacturing industries are established. The average rate of wages paid to carpenters in Japan, according to official reports of the Japanese Government, was, in 1892, 32 sen per diem, and in 1896, 43 sen (one sen equals about half a cent); stonecutters' wages advanced from 36 sen per diem in 1892 to 47 sen in 1896; for paper-hangers, from 30 sen in 1892 to 40 sen in 1896; joiners, from 32 sen to 40 sen; tailors (Japanese dress), from 28 sen to 36 sen; blacksmiths, from 31 sen to 42 sen; printers, from 27 sen to 34 sen; shipwrights, from 34 sen to 44 sen; agricultural day laborers, men, from 19 sen to 25 sen, women, from 12 sen to 16 sen; silkworm-raisers, men, from 22 to 27 sen, women, from 15 to 18 sen; silk-spinners, women, from 17 to 21 sen; compositors, from 29 to 34 sen; weavers, men, from 16 to 24 sen, women, from 11 to 16 sen; tea-workers, from 31 to 42 sen; and day laborers, from 22 sen per diem in 1892 to 30 sen in 1896. This rapid advance in wages since manufacturing industries have been established indicates that the demand for articles of popular consumption will increase with the increased earnings; and it shows, at the same time, that the combination of modern manufacturing methods and cheap labor of the Orient is not likely to prove as dangerous to the labor of other countries as had been feared by many, since already the introduction of manufacturing has been followed by an increase of from 15 to 33 per cent in wages.

With the prospect that the demands of Japan for the products of other parts of the world are likely to continue, it only remains to inquire what effect the new order of things—the gold standard, the higher tariff, and the abolition of extra-territoriality—is likely to

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have. Regarding the gold standard, which has been in operation a sufficient time to give opportunity for at least some observation of its effects upon business, a recent publication in the "China-Japan Mail," over the signature of the British Acting Consul General at Yokohama, says :

"The effect of the gold standard in Japan has been most beneficial to both the import and export trades. The export trade was helped by a feeling of security on the part of shippers that their neighbors would not later on be able to come into the market with lower prices owing to a drop in exchange, and this must also have been the feeling on the part of buyers at home. The import trade was much in excess of exports, and had it not been for the ability of bankers to ship gold to make up the balance to a large extent, there is no knowing to what depth exchange might have fallen. Thus Japan has had to pay less for her imports than she otherwise would have had."

It is believed that the new tariff, while mildly protective, will not materially affect importations—at least until the manufacturing industries are developed to a much greater extent than at present.

Regarding the effect of the abolition of extra-territoriality upon foreign commerce, there is a variety of opinion. Many foreign merchants residing in Japan express the belief that it will result in a more rapid transfer of the foreign commerce to the hands of Japanese merchants, which opinion is due to the belief that foreign merchants will not fare so well under Japanese laws as they did under the jurisdiction of consular courts. Upon this subject, Mr. Stafford Ransome, C.E., whose recent publication, entitled "Japan in Transition," is the result of long and careful observation of modern conditions in that country, expresses the belief that the Japanese " will not be so ill advised as to render the position of the foreigner under the treaty untenable in Japan, for the simple reason that their own interests must, in the long run, lie in the opposite direction." Even if the effect of the new order of things should be to transfer more rapidly the foreign trade of Japan into the hands of Japanese merchants, this would probably not materially reduce the amount of business handled or the demand for foreign merchandise ; since Japanese merchants are now importing into Japan goods valued at over 90,000,000 yen annually, against 12,000,000 a decade ago, and less than 2,000,000 yen in 1883; while the importations by foreigners have not increased with anything like as great rapidity, being 184,000,000 yen in 1898, 61,000,000 yen in 1890, and 27,000,000 yen in 1883.

A detailed discussion of the recent remarkable development of the industries, commerce, and business activity in Japan is not required by

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the readers of THE FORUM. Railroads now skirt the coast-lines of the principal islands, and penetrate into the interior; highways have been constructed; foreign and local capitalists have been encouraged to invest in manufacturing establishments; importations and exportations have grown enormously; educational facilities have rapidly increased; wages have advanced. The conditions which foster increased activity, increased earnings, increased consumption, and increased commerce with the world have been encouraged by the Government and its leading citizens; and it is reasonable to expect that this will continue under the new order of things. O. P. AUSTIN.

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THE CIVIL CODE OF GERMANY.

On January 1, 1900, a great revolution will be effected in the laws of Germany. On that day the Civil Code of the land will be put into operation. What does this signify?

Since the close of the fifteenth century Germany has been the land of documentary right. The Roman judicial code was recognized as common law; while all legal procedure distinctly native in its origin was confined to certain districts and municipalities, and was, therefore, entirely devoid of Imperial signification in the wider sense. The Civil Code of the land was represented by the *Corpus Juris Civilis*, a Latin work entirely incomprehensible to the layman.

This very remarkable circumstance can be accounted for only by the weakness of mediæval German Imperialism. In England and France royalty itself had, since the fourteenth century, assumed control of the laws, in order that a homogeneous national code might be developed. German Imperialism of the fourteenth and fifteenth centuries, however, was incapable of such a task; for, since the interregnum, its strength had been completely broken. The judiciary system of Germany, thus left entirely to its own resources, was soon reduced to a state of dissolution and local disintegration. At a time when increasing intercourse—civil, commercial, and financial—made a homogeneous system of commercial judicature imperative, it was but natural that Roman law, which, in theory, had long been universally accepted, should again be called into requisition. This actually took place upon the organization of the "Reichskammergericht" (Imperial Judiciary Chamber) in 1495, when it was decreed that the verdicts of this highest court should be based upon Roman law.

Since then, an incessant conflict has been waging in Germany between the Roman law of the Empire and the native law as perpetuated in the special enactments of the separate provinces and municipalities. During the sixteenth and seventeenth centuries the preponderance of power lay with the Roman system, which was further supported by the German science of jurisprudence—a science identified exclusively with the common law of Rome. Science looked upon the native systems

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of legal procedure as irrational and barbarous ; and as Roman judicature exercised complete dominion over all legislation, the consequence was that it steadily advanced, while native and local law was gradually destroyed.

Only within the eighteenth and nineteenth centuries has the native law of Germany been aroused to the defence of its interests. The age of enlightenment had come, the era of revolution against tradition, when the reason of the present strove to emancipate itself from the unreason of the past. In the field of jurisprudence tradition was represented by Roman documentary law ; and the demolition of this principle became the war-cry of that period. But the Imperial judiciary of the time was unequal to the task of reform ; for the Holy Roman Empire of the German Nation was already in a state of complete dissolution. At this critical period the native legislatures assumed the leadership and grappled with the question of the hour ; the signal for the attack upon Roman law being given by King Frederick William I, of Prussia. As early as 1713 this monarch decreed that Roman law was to be abrogated in his dominions, and replaced by the native law of Prussia. The movement became general ; and the era of modern legal codes was ushered in. The legal code of Bavaria was established in 1756 ; Prussia followed in 1794 ; France, in 1804 (Code Civil) ; Baden, in 1809 ; Austria, in 1811 (Das Oesterreichische Buergerliche Gesetzbuch) ; and finally Saxony, in 1863 (the designation here being similar to that adopted by Austria). Everywhere the motto was the same ; viz., "Emancipation from the Latin Code of Rome." The native code was to supplant the foreign, obscure, and obsolete *Corpus Juris.*

But the success of these newly established codes was limited ; each being applicable to its own particular province only. Moreover, many of the German states had retained the Roman law ; confining their reforms to a few modifications. Above all, however, German science adhered to the *Corpus Juris Civilis ;* indeed, Germany's greatest triumphs during the nineteenth century are identified with this department of investigation. Now, what was the result of this division between science and practice? Simply that the countries which had adopted independent systems eventually lost all touch with the science of jurisprudence as a whole. The new systems were purely local in their influence, and consequently incapable of expansion : they stood in no relation to the general intellectual life of the nation. As during the Middle Ages, so also at this time, the weakness of the German

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judiciary system lay in that localization inseparable from political disruption.

The reëstablishment of the German Empire was, therefore, essential also to the reëstablishment of German law. As early as 1874 the initial steps for the incorporation of a new German Civil Code had already been taken; and this work has now at last been completed. On August 18, 1896, the new system, together with a "Law of Introduction," was promulgated by Emperor William II. It will become effective on January 1, 1900, a day which will ever be memorable as marking the climax of a development of four centuries. At the close of the fifteenth century Roman law was accepted in Germany; and now, at the end of the nineteenth, this entire system is to be completely abolished throughout the Empire. As a means of education, and solely for this purpose, the Roman Code will be retained in the universities. As a work of art it is immortal; as a system of laws, perishable. The last relic of that grand fabric of laws, which once dominated the whole world, crumbles to-day. The national idea is victorious; and German law for the German Empire is at last secured.

The composition of the new Civil Code of Germany is only to a very limited extent Roman in its origin. The system is compiled principally from the various provincial codes before mentioned, and notably from those of Prussia and Saxony. As to content, also, the new Code distinctly betokens a victory of the National system over the common law of Rome. But these various national or provincial systems have been elevated by the new Code to a higher and more complete stage of development. National law, as used in its former narrow sense, has become transformed into Imperial law, designed to dominate the life of the entire German people, and subjected in turn to the influence of the Nation at large. German science also will at last forsake the old Roman documentary law, and will concentrate its energies upon the elucidation and elaboration of the Civil Code. Science and practice will become reunited. As the decadence of German—and the adoption of Roman—law was once caused by the downfall of German Imperialism, so the revival of native law is again contemporaneous with the reëstablishment of the Imperial dignity.

The German Empire emanated from the state of Prussia, and the Civil Code likewise owes its origin to Prussian legislation. The contents, while distinctively German in their essence, are characterized throughout by a thoroughly modern spirit.

To whom may this modern spirit be traced, and to whom the spirit

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of our new civil law attributed? To none other than the merchant. It was among the commercial element of the cities that the power arose which eventually crushed the spirit of feudalism. Similarly, the merchant may not inaptly be called "the father of the Civil Code of Germany."

The merchant was naturally the first to desire a homogeneous system of civil rights. Commercial intercourse recognizes no national boundaries, but regards the world as its rightful territory. Consequently, it everywhere demands equal rights. The merchant was the born enemy of the former political disruption of the Empire into states, dominated by heterogeneous judicial enactments, national and municipal. The merchant demanded an Imperial code; and his first success in this direction was the creation of a uniform system of commercial law. In 1861 a legal code governing commercial intercourse throughout Germany was framed and adopted by every province; and upon the establishment of the Empire this code, of course, at once obtained validity as Imperial law. But the extent of uniformity secured by it was very limited. True, it regulated the rights and privileges of persons engaged in trade; treating of the merchant and his employee, as well as of trade organizations. It contained, however, but few legal provisions bearing on business transactions, and was consequently full of deficiencies, which naturally had to be supplied from the extremely heterogeneous enactments of the various states and municipalities. For instance, while there was a homogeneous code governing trading privileges, there was none relating to commercial transactions in the broader sense. All this will now be changed; and in future the above-mentioned Code will be supplemented by a uniform system of civil rights. Briefly speaking, therefore, the new Code embodies the rights of the individual and governs the financial relations throughout the Empire. Such is its content, hence its thoroughly mercantile spirit.

In the Code all regulations focus in the private individual considered in the abstract. It deals with property, family, and inheritance. Not the farmer nor the nobleman is considered; only the legally eligible subject, the abstract unit of the *jus gentium*, being here in evidence. This unit or person appears in but one capacity—either as creditor or as debtor; and this conception may be truly said to embody the highest ideal of the merchant.

The abstract private individual is free; and intercourse demands freedom. Such freedom is consequently guaranteed by the Code.

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The rights of the individual are respected. He is a free agent in regard to property, the disposition thereof, as well as in indebtedness. Forms of ownership not absolutely free are not recognized.

The private individual considered in the abstract is personified in King Midas. Everything touched by him was converted into gold. In the Civil Code, therefore, private rights, including those of property, are of a monetary nature. In subhastation, where the true nature of private rights is clearly revealed, all these are resolved into the medium of exchange. In usufruct and real servitude, money also is the primary consideration. The Civil Code, therefore, is thoroughly in accord with the spirit of the time.

The Code accepts that the abstract individual, above all other considerations, seeks to acquire, to earn. The protection of *bona fide* acquisition constitutes the fundamental law of the new German Code. The law regarding movable property is based upon the holding that the *bona fide* purchaser is insured in possession of property, even in instances where the seller thereof was not the actual owner. In such cases, therefore, the true owner loses possession in favor of the third party, and that immediately and without usucaption. This is equally true of money, of papers payable to bearer, and of articles secured at public auction. In the case of all other movable property we note but a single exception to the above rule; viz., all property stolen, or otherwise illegally abstracted from the rightful owner, properly returns to him. But even in this instance a ten years' possession on the part of the *bona fide* purchaser insures legal ownership.

As regards real estate, the regulations of the so-called "Grundbuchsystem" (System of Real Estate Records) become operative. All property rights must be in evidence on the Real Estate Record, and must be inscribed therein. This Record must be accessible at all times to public examination. Consequently, claims not entered upon this record are regarded as incompetent. It does not, of course, always follow that the name registered upon the Real Estate Record is that of the rightful owner. For instance, a person may be inscribed as legitimate heir without being so. Nevertheless, if his name be entered, he is recognized by law as the legitimate owner; and whoever, in good faith, shall purchase from him has an unquestionable title to the property. Thus we perceive that, in the above instance, the rights of the true owner (*i.e.*, the person whose name is not registered) are subservient to those of the third party who acquires in good faith. The same is true of mortgagees, of mine-owners, and of others whose names are re-

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corded. Whether these be the real owners or not is a matter of indifference to public transaction, which takes cognizance only of the name entered upon the Record. All considerations of purely technical justice are ignored, in order that the rights of the *bona fide* third party may be secured.

The law bearing on marital property rights may be properly designated as one of apportionment. The property of the wife is intact, and is not attachable for debts incurred by the husband. The latter has only limited powers of usufruct and administration, as regards the property of the wife. He may use it only in the sense of the Roman *dos; i.e.*, as a contribution to the discharge of the matrimonial obligations. On the other hand, the wife, while retaining her dowry, forfeits the disposition thereof, by reason of the husband's usufruct and power of administration. All this, however, can be changed by contract. In place of the above arrangement husband and wife can agree upon either independent or joint ownership; the wife, in the former case, retaining control of her marriage dowry. Such a contract, however, in order to obtain validity with a third party, must be put in evidence. For this purpose, the Code has instituted what is termed a "Property Register." In order to be employed against a third party, every change in the marriage contract affecting property must be entered upon the "Property Register," at the nearest district court.

As regards the right of inheritance, also, the Civil Code secures the *bona fide* third party. How may this party know the true heir, the heir entitled to receive payments due to the testator, and to liquidate debts? The answer of the Civil Code is to the effect that for all *bona fide* transactions the "Certificate of Inheritance" suffices. This so-called "Certificate of Inheritance" is, after a careful investigation of the will on the part of the court, handed to the adjudged heir; and the document thus issued is accepted as legal evidence, regardless of whether or not the person therein specified be the rightful heir. To the *bona fide* third party this document is conclusive. He can now liquidate debts or claim obligations through the legal heir; *i.e.*, the bearer of the court's certificate. When the document is produced in evidence, the rights of the actual heir, if he be not mentioned in the certificate, are null and void; the interests of the *bona fide* third party alone being considered.

Never before has the relation between civil rights and exchange been so forcibly demonstrated as here. The interests of intercourse are primary: exchange is everything. The merchant rules the domain of civil law; the *bona fide* third party is the principal personage

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of the Code ; the protection of *bona fide* acquisition obtains priority over the guardianship of property. The German Civil Code is, therefore, first and foremost, a system of laws regulating exchange.

All the other prominent features of this Code are in accordance with the above view. Mortgages are binding according to their entry in the Record, and not in proportion to the indebtedness ; men and women are equal before the law (only in marriage is the difference of sex valid, the husband being the head of the family) ; while distinctions of class, nationality, or creed are not entertained. Exchange takes no recognition of persons, but of money only ; and the Code represents civil rights as of a mercantile and financial nature, dominated by the desire of gain. It follows, therefore, that a long list of legal theses, formerly applied solely to commercial transactions, have now been extended to the entire domain of civil rights.

There are two forms of liability. In one, "Erwerbsgeschaefte," the creditor acquires a negotiable, interchangeable right to demand, involving immediate gain. All securities come under this heading. These liabilities constitute a distinct class, as compared with those involving not the security of a claim on the part of the creditor, but direct obligation on the part of the debtor. In the latter case the creditor is not at once entitled to demand—his gain is to come.

The same law applies equally to all forms of liability contracted under the above-mentioned class of "Erwerbsgeschaefte," whether these be securities or other forms involving increment to the creditor. Here, also, the security of traffic and exchange is regarded as paramount to the administration of technical justice to the debtor. Technical justice wanes before the importance of facilitating exchange ; and the interests of the *bona fide* third party are predominant. In this sense the Civil Code has regulated the legal status of notes payable to bearer. Hitherto, the law governing such notes—the most important of all securities—has been subject to doubt and contention. The question, however, has now been settled by the Civil Code ; the decision being based upon principles originally identified with the laws of commercial exchange. Not the will of the debtor but the form itself is considered binding. The formally correct acquisition on the part of a *bona fide* third party confers a right to the paper, even though the giver may not have been the rightful holder thereof. This principle, as applied to all papers payable to bearer, is here, for the first time, thoroughly enunciated and enforced by the Civil Code.

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The *bona fide* holder of the paper—of a hundred-mark note, bond, or other form of security—in every instance acquires the right to it.

The same principle has here also been applied to the issuance of these papers. It has hitherto been a point of considerable contention, whether or not correct issuance was needed to insure the legality of a bill—for example, a hundred-mark note. Suppose the hundred-mark note should be stolen, it was argued, and put in circulation by the thief, instead of by the constituted authorities? The Civil Code answers this question to the effect that the hundred-mark note is valid so soon as it passes into the hands of a *bona fide* third party, and decrees that the so-called "Creations theorie" shall be decisive in all matters relating to transactions in securities. In other words, the *creation* of the paper, and the *bona fide* acquisition thereof by a third party, are accepted as conclusive evidence of legality. The will and intention of the debtor are not considered; the nature of the debt and the acknowledgment of liability being alike immaterial. The law claims that the question here at issue is not one of a contract implying obligation, but that the main object is immediately to secure the credit of the value written upon the face of the note—in order that an additional item of value may be placed in circulation.

Thus we see that here again the interests of exchange are regarded as paramount. The agents of exchange cannot tell from the appearance of the paper whether it has been stolen or issued through legitimate channels. For this reason the *bona fide* holder must be adjudged the legitimate owner—provided, of course, that the paper be genuine and correctly undersigned. All these measures, however, are truly devised in the interests of the presenter. Nobody would accept such papers if, in addition to their genuine character, a further certificate were required attesting correct issuance. In behalf of both the creditor and the debtor the interests of exchange are considered above all others.

Entirely different is the attitude of the Code toward those transactions involving, more specifically, direct liability on the part of the debtor. Here, it is claimed, the primary object is the establishment of obligation; the question of form being of secondary importance. Indeed, a specified formula is in this class of liabilities prescribed only for exceptional cases. In regard to these forms of liability, which cover the great majority of debts contracted, the Civil Code has adopted the old-established commercial principle of *faith and belief* as its highest law. Contracts are to be interpreted according to faith and belief; and the debtor is to discharge his obligation in this sense. In

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other words, the nature and extent of the indebtedness are determined not by the form of the contract, or any other external circumstance, but by the essential element of justice involved in each particular case. What faith and belief demand can never be predetermined by general rules; but such matters must be regulated according to the circumstances. Faith and belief, the *bona fides* of trade, demand justice, in the concrete sense, to be administered according to all the circumstances which, at a given time, bear upon any particular case. The new feature here involved is, that the Civil Code has established faith and belief as the sovereign principle governing all contracts for indebtedness. All considerations are subordinate to the demands of faith and belief. Not the wording of the promise or contract, but what should be regarded as the inherent substance of it, according to faith and belief, is regarded as valid.

Moreover, the Civil Code has laid down a number of clauses bearing upon contracts, by which the intention or will of the contracting parties is defined, or, when not expressed, determined. But even these explanatory and complementary clauses are secondary to the demands of faith and belief, and may not be called into requisition when their application would be unjust to the special case involved. Never before has a legal code been characterized by such boldness of plan; never have faith and belief been so emphatically announced as the fundamental law of debit and credit. The applicability of the several clauses of the Code to special instances is left to the discretion of the judge. Never before has the judicial function been invested with such power. The opinion of the court is superior, not only to the wording of the contract, but also to the letter of the law. In all relations involving indebtedness the question is not one of abstract, formal justice, but of the application of equity to a special case. The law bearing on transactions involving immediate income is severe, because of the necessity of facilitating exchange; the law bearing directly upon the obligations of the debtor is reasonable—in behalf of the debtor. In class 1, the consideration of the third party is peremptory. In class 2, the protection of the debtor is deemed of primary importance: he is to pay neither more nor less than may be justly and reasonably demanded of him in any particular instance.

Nevertheless, in contradistinction to the above, there are certain compulsory regulations, or absolute clauses, applicable to all cases, and operative *contra* the will or intention of the contracting parties. It is characteristic, however, that these very clauses are designed to

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protect the debtor. Such, for instance, is the right of reduction vested in the judge. If the judge finds that the penalty stipulated between the parties in the event of a breach of contract is too high, he is empowered, at the solicitation of the debtor, to reduce such penalty to an equitable figure. The same is true of brokerage. At the request of the debtor the compensation of the negotiating broker, if exorbitant, may be reduced by the judge.

Another paragraph of the Civil Code reads, in substance, that all transactions involving the exploitation of another, or evincing a disposition to take advantage of another's necessity, carelessness, or inexperience, in such a way as to extort from him an extremely exorbitant remuneration for services rendered, be forthwith declared null and void. This paragraph of the Code forms an effectual safeguard against every form of usury. Usurious exploitation is to be prevented ; and in this case, also, the judge is the final arbiter. Combined with the above-mentioned right of reduction, the judge is empowered, in the event of evident usury, to release the debtor from each and every obligation specified in the contract. When we consider, furthermore, that, by a clause very general in its tenor, the Civil Code expressly forbids all judicial procedure aiming at the injury of another, we are forced to acknowledge that the debtor enjoys, in every possible way, the full protection of the law. The idea always recurs that the obligation of liability is not to be measured by principles of abstract justice, but is to be construed reasonably; *i.e.*, in the light of good faith and honest belief.

The law governing class 2—transactions involving direct obligation—therefore, favors the debtor. It is considered the duty of the judge to protect him against any abuse of power on the part of the creditor. This view also may be traced to the law of commerce. The merchant demands not only the security of the creditor, but also the maintenance of the principles of faith and belief.

The farmer and the merchant are the two great powers of German history. Of these the farmer is the older. It is to him that we owe the institutions of mediæval law—an agrarian, agricultural law, designed for the peasantry and the nobility. Since the close of the Middle Ages the farmer has been confronted by the merchant, the representative of finance. The merchant demands the liberty of the individual, and, concomitantly, the abrogation of the mediæval feudal-agrarian, or rural, law, and the establishment of a legal system facilitating exchange—a system financial, civil, and municipal in character.

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The adoption of the Roman Civil Code in 1500, therefore, marks a victory in the progressive movement in favor of commercial civil law; and the new Code of Germany, with its strong leaning toward finance and exchange, undoubtedly signifies another great and glorious triumph for the merchant. Nevertheless, the enactments of the Civil Code will constitute only a part of the future legal system of private rights; for we have a most important supplement to it, namely, the law regulating its introduction.

According to this so-called "Law of Introduction," the regulations of the Civil Code are not to conflict with already existing Imperial laws affecting private rights. Furthermore, while the "Landesrecht," or "Provincial Law," is expressly annulled, a not inconsiderable number of its enactments are to remain in force. The Code, therefore, will not be exhaustive in itself, but will be supplemented by various Imperial and provincial enactments. Those Imperial laws on civil rights which are to be retained are primarily of an industrial nature; while the provincial laws to continue in operation are, strictly speaking, "agrarian."

The agrarian laws lie beyond the pale of the merchant. They are designed for the farmer, for agricultural conditions generally, as well as for the protection of vested rights (feudal rights, feoffments in trust, allodial estates, and copyholds). They guarantee the right of possession as distinct from that of traffic and exchange. In the Civil Code we feel the bracing atmosphere of the sea. In the "Law of Introduction" we are once more on *terra firma*. The Civil Code and the "Law of Introduction," respectively, well exemplify the interrelation, as well as the conflict, existing between the two great divisions of our national economic life.

In the industrial domain the merchant is again confronted by a formidable opponent. The interests of labor to-day are at conflict with those of commercial and industrial enterprise. A power of the first magnitude has appeared upon the arena of national economics; and here the great battle between the classes and the masses is being waged with terrific effect.

Our industrial and agrarian laws may be compared to the *Jus Civile* of ancient Rome: while the laws of the Civil Code resemble the Latin *Jus Gentium*. The former are of immediate political significance; the latter being only indirectly so. Again, our industrial and agrarian laws are primarily designed for our own countrymen (*Jus Proprium Germanorum*); the law of exchange, on the other hand,

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which dominates the Civil Code, being cosmopolitan. Briefly speaking, therefore, the Civil Code embraces and coördinates all such laws as lie beyond the tides of our social and agricultural policy. For this reason it has been found necessary to add a supplement in the form of a compilation of our industrial and agrarian laws, both of which are identified with powerful political factions. The mission of the Civil Code is to step midway between the panther and the lion, as it were, in order clearly to enunciate such civil rights as are universally accepted, and which are intimately associated with the traffic and intercourse of the world at large.

The solution of the problem has been a splendid one. A wealth of material has been reduced to 2,385 terse paragraphs, every one of which is susceptible of definite construction. The ideas of the legislators are expressed with clearness and exactness ; and throughout the entire work the sense of unity of form and content is plainly visible. No paragraph can be applied singly ; but construction and application must be in accord with the Code as a whole. To master this intricate web of relations is truly no easy matter. It involves, at present, the greatest difficulty of German jurisprudence. In this connection the Civil Code accepts the well-known axiom that true equity is not contained in the letter of the law, but must be read between the lines. Yet the task which confronts us, however great, is certain of its full reward.

The Code is not popular in form. Like every work of its kind, it will be somewhat obscure to the layman. It treats of abstract cases, and deals in abstract terms incomprehensible to the uninitiated. In sense and content, however, the Civil Code is strictly in accord with the popular spirit. It accommodates itself in every way to the commercial activity of the time ; and on opening its pages we feel that we are entering upon the world of to-day. In it we behold, as if reflected in a great mirror, the financial enterprise and other splendid activities of our age.

RUDOLPH SOHM.

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RUSSIA, ENGLAND, AND THE UNITED STATES.

In the July number of "The North American Review," Mr. Vladimir Holmstrem writes what he frankly avows is "a plea for a Russo-American understanding." Mr. Holmstrem is a Russian, and writes from the view-point of a Russian. He appears in the pages of "The North American Review" as an advocate holding a brief in a cause which might be properly entitled, "Russia *versus* Great Britain, the United States intervening." He does not come into a court of equity —because of the old legal maxim that he who seeks equity must be able to show clean hands—but he comes into a court in which, to gain his cause, it is necessary for him to disparage his opponent. As the "New York Times" epigrammatically remarked: Mr. Holmstrem's article "is not so much a plea for a Russo-American understanding as it is for an Anglo-American misunderstanding." As an Anglo-American, as an Englishman who has lived the best years of his life in the United States, who in his own small way has advocated closer relations between the two dominant forces of the world's progress and civilization, and who urged an Anglo-American alliance long before it was taken up by the politicians, I may perhaps be permitted to reply to that article.

Mr. Holmstrem has honestly stated his purpose—to bring Russia and the United States in closer accord—and to do so, reading clearly the signs of the times, he has considered it necessary to magnify the importance of Russia as one of the world's moral and educational factors, at the expense of Great Britain. He refers repeatedly, in set terms, to the perfidy and rapacity of England, and attempts to turn to his own advantage the mistakes of the past. The history of the growth and the development of the United States as a nation, says Mr. Holmstrem,

"is a record of gradual emancipation from England. Now that the great American commonwealth has begun its career as a world power, it must cast off the shackles of British tutelage, as was done by the ancestors of the nation when they sought spiritual liberty, and as was gloriously done a second time in the name of national independence. Now for a third time the Americans must assert their independence, if they mean to work out their own salvation and be ready to release their future states from the grip of the English."

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To offset this is thrown the searchlight of the East on Russia's traditional friendship for the United States. Of this traditional friendship we have heard much, perhaps too much, but always in such nebulous and indefinite fashion, that the historian who seeks facts, and is not content with emotional professions of eternal friendship which rise to the surface with the second glass of champagne, wanders in a maze. So far as I have been able to discover Russia rests her claim to "traditional friendship" on two momentous events. The first was during the Civil War, when a Russian squadron of five vessels, under the command of Rear Admiral Lessofsky, arrived in New York harbor, and was made much of by the civic authorities and the public generally. This was in 1863, when England was *supposed* to be considering the advisability of recognizing the Southern Confederacy. I am aware that it is generally believed in America that the attitude of England to the North was distinctly unfriendly; yet it is well to remember that England refused to recognize the independence of the South and declare neutrality. England was the centre of the cotton industry; millions of her population were dependent upon it; and the supplies of cotton were almost entirely drawn from the States, whose whole coast-line had been declared subject to blockade. An offer of mediation was considered by the English cabinet in 1862—an offer in which France was willing to join, but which apparently did not commend itself to Russia. After due deliberation the cabinet decided that the time was not propitious to make the offer, and the matter was dropped. France, another "traditional ally," finally made an offer of mediation, and was properly told, in polite diplomatic language, to mind her own business.

The presence of the Russian squadron in New York harbor was accepted as Russia's answer to England. So skilfully and adroitly did Russian diplomacy—a diplomacy without its equal in the world—foster that idea, that almost simultaneously with the dropping of the Russian anchors in the North River, the people of the North believed that Russia was prepared to fight England in case she recognized the South; and hardly had the smoke of the salutes cleared away, when from one end of the country to the other the impression gained lodgment that the Russian squadron was the visible sign that Russia was the formal ally of the North. It is curious how this myth has taken root and how it has grown with the years. It is a legend accepted as gospel truth by the younger generation; it has even found its way into some of our school histories; it has been repeated time and time again by public

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men in public debate ; and innumerable writers for the press have referred in grateful terms to the great service Russia rendered us when, in 1863, she sent a fleet to our assistance if we needed it. Mr. Holmstrem naturally makes use of all this.

Now I assert, with an absolute knowledge of the facts, and on authority so high that not even a Russian will dare to question it, that whatever Russia's intentions may have been, or whatever policy she had in view, there never was a proffer, formal or informal, intimated or suggested, from the Russian Government to the United States, of a fleet, in case Great Britain recognized the South or in any other contingency ; nor was there the least offer of assistance to the North, of any kind. What the archives of the Russian Government may show I am, of course, unable to say; but I asseverate in the most unqualified language, that there is not a single scrap of paper in the archives of the Government of the United States to prove that the Russian Government, either through our Minister at St. Petersburg, or the Russian Minister at Washington, or through any other medium of communication, ever offered to send a squadron to act in conjunction with the navy of the North. It never asked permission to do so. It was never refused permission, because it never asked. In a word, Russia's dramatic *coup* in 1863 is a myth. So much for the first chapter of "traditional friendship."

Before leaving the epoch-making days of 1863—history is so soon forgotten—let the American reader remember one thing. Giving Russia credit for the loftiest feelings of disinterested friendship toward the United States, it must not be forgotten that her feelings toward England were neither disinterested nor friendly. Russia in her *rôle* of spreading peace and enlightenment and civilization was in 1863 trampling the last rights of Poland under foot; brutally ignoring the solemn obligations entered into in 1815. France was pressing England to employ force against Russia ; and, to use Lord John Russell's language : "The prospect of a war with Russia for the deliverance of Poland was a very cloudy one."

Four years later Russia once more showed her friendship in a striking fashion. She had a vast and desolate region of snow and ice, a region so barren, so inhospitable, and apparently so worthless that, at the time, it was considered useless. And when Secretary Seward offered to purchase this land of snow and ice for the sum of $7,200,000 Russia believed she had made a very good bargain. Certainly no particular motives of generosity inspired her.

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To sum up: Russia's great evidences of friendship to the United States rest on (1) a fairy tale; and (2) a land deal which would not have disgraced a speculator in lots in a Western "boom" town. Yet Mr. Holmstrem in his *rôle* of advocate cannot refrain from saying:

"It is highly significant that on all occasions of great importance in the history of the two nations mutual friendly coöperation was always forthcoming in various forms. It was so during the American war for independence; again during the civil war, when England threatened the North, and again when Alaska was ceded to the republic, when she had gained strength enough to hold her own."

From 1867 to 1898 is a long stretch. A year ago, when the Spanish complications were thickening, it was vital the United States should know who were her enemies, and who were the friends upon whom she could rely in an emergency. Contrast England and Russia during that crisis. The "London National Review," one of the most influential magazines in England, whose editor has unusual opportunities of knowing what goes on in inner government circles, has declared that when war was imminent France, Russia, and Austria determined to make a European question of Cuba and treat the United States as they had treated Greece. This new triple alliance sounded Germany. The Berlin Government not unnaturally responded most cordially to the proposal; as the opportunity of setting the two great republics by the ears and of humiliating one by the instrumentality of the other was not to be thrown away. But Germany made her accession to the concert conditional on Great Britain also joining. The other Powers were only too glad to admit England, as English battleships off New York and Boston would bring the Americans to their senses. If, through any unforeseen accident, the British ships should be destroyed, England would be the only sufferer, and might lose Canada in the bargain. Then, when those villainous Anglo-Saxons had got one another by the throat, the Continental combination would be free to amuse themselves; while Russia would be able to turn round, disclaim all connection with the alleged concert, and pose as the traditional friend of the great republic.

The plot failed, because Mr. Arthur Balfour, the acting Secretary of State for Foreign Affairs, in the absence of the Marquis of Salisbury, refused to be a party to it. Mr. Balfour's veto dissolved the Cuban concert; and our dear friends of Continental Europe rushed into print and gave each other certificates of character. Count Cassini, the Russian Ambassador to the United States, *after Spain sued for peace*, was interviewed, and once more evoked the shade of traditional friendship

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to prove that Russia had always been the *Deus ex machina* when America found herself in a tight place. Nothing succeeds like success; and when the United States no longer needed friends, Russia stood with outstretched hands and smiling countenance, begging to be permitted to give visible expression of her friendship. This was interesting, but not nearly so interesting as Count Cassini's countrymen when Cervera's fleet was the terror of the seas, and Spain had not yet tasted the bitterness of defeat. On June 5, 1898, the "St. Petersburg Novosti," a newspaper of high standing, said it was time to end "a senseless and criminal war." America, it added, must submit her "pretensions" to the Powers, and cannot avoid doing this, as with two long and exposed coast-lines she could not withstand the combined fleets of two or three European Powers. Great is traditional friendship, whose prophet is Russia! It may be considered unfair to quote a single Russian newspaper as typical of Russian sentiment. But it must be remembered that in Russia nothing is printed until it has received the approval of the censor; and when a Russian newspaper suggests a bombardment we may feel certain that the suggestion is not made without official sanction.

Mr. Holmstrem shows amazing cleverness in trying to shift the issue. "It is now universally admitted," he says—but by whom it is admitted he neglects to say—"that the friendship exhibited toward the Americans by their 'cousins across the water' during the Hispano-American war and the Philippine difficulties, was due to the fact that the English realized the danger they would run in defying the great American Republic, with a hostile Europe at their backs to emphasize their isolation." It is gratifying to note that Mr. Holmstrem concedes that England exhibited friendship toward the United States at a very trying time; and possibly his argument would be stronger if he could point to equal exhibitions of friendship on the part of Russia.

Mr. Holmstrem labors under the delusion, which is not confined to Russia, that England, because of her numerous sins, like a bad boy, has been sent to Coventry, and need expect no sympathy from the rest of the world. England's "splendid isolation" is of her own seeking, not of her enemies' making. There is not one of the Powers—Russia included—who would not welcome an English alliance, and pay generously for it. At the time when Germany, Austria, and Italy were members of the *Dreibund*—a *bund* formed as much against France as it was against Russia—Russia had secretly concluded an agreement with Germany. Germany with equal treachery had betrayed

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Austria and Italy ; and Austria and Italy, to be in fashion, had a pact unknown to Germany. England, undismayed by coalitions and "arrangements," went calmly about the business of empire-making and empire-governing, able to take care of her own affairs without assistance, and, if necessary, to lend a helping hand to her cousins across the sea.

Nations, like individuals, do not plead for an understanding unless they hope to gain something by it. What is Russia's object? In the "London Times" of last April appeared a series of remarkable Russian confidential state papers. On April 26 the "Times" published a report made by Prince Galitsin, Governor-General and Commander-in-Chief of the Caucasus, which was considered by the Committee of Ministers—the Russian equivalent for a cabinet council. In discussing this report M. Witte, the Finance Minister, said :

"At the present moment nearly all the markets of Europe are closed by means of customs tariffs against our agricultural products. The duties in Germany on those products are almost equal to their cost ; in France they even exceed it. . . But there is one country which still clings to the principles of free-trade, though, of course, entirely from motives of self-interest. That country is England, which has long held the foremost place among European countries as a purchaser of agricultural produce. . . England is not less important as a market for placing Russian funds. This was the case, in fact, before the Afghan frontier troubles, which compelled us to transfer our funds to Berlin, and subsequently, under pressure of political complications, to France."

Rather hard, by the way, on France to be thus casually referred to as a temporary *pis aller*. Having served her purpose so far as M. Witte is concerned, she is now dismissed as a saturated sponge. "France having invested her money in our bonds, she finds it superfluous to go any further." A very pleasant remark for the gay *boulevardiers* and the financiers of the Franco-Russian Alliance !

M. Witte's frankness is delightful. He makes no concealment about his position. The Finance Minister wants to find "a market for placing Russian funds ;" *i.e.*, a market for the sale of his bonds ; and after having hawked them in Berlin and Paris and finding no takers, he turns to London, where money is always to be had, provided the security is good. But there's the rub. British financiers look askance at Russian bonds. Even money-lenders are not devoid of patriotism ; and they are not enthusiastic over the idea of lending money to Russia which *may* be used for developing her internal resources, but which is much more likely to be spent on strategical railways, or new cruisers,

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or rearming her artillery. A Russian loan, in the opinion of British financiers, would fall very flat, if it were not a complete failure.

But Russia needs money: no country at the present time is in a worse financial plight than she. Her expenditures increase every year at a rate alarmingly disproportionate to her receipts; while the feverish haste she has displayed in building military railway lines, in maintaining a million men under arms, and in adding to her navy in the vain hope that with the coöperation of France the allied fleets may be the equal of England's, has made it impossible for her to accumulate a treasury surplus. Russia needs money, and the only way she can obtain it is by mortgaging the future. With the European markets closed to her, her sole hope of relief is from the United States. I am informed that negotiations are at the present time in progress for the placing of a Russian loan in this country. Whether the negotiations will be successful I am unable to say; but it is evident that in her extremity, and failing to obtain money in London, M. Witte will be forced to seek the assistance of New York financiers. Possibly this explains in a measure why Russia is anxious for an American understanding.

There is still another reason. If the great Powers of Europe meet in conflict it will be in or over China, whose enormous undeveloped natural wealth and potential commercial possibilities all Europe hungers for. Diplomacy may postpone the evil day; but the time must finally come when Russia and Great Britain will face one another with a naked sword between them, to decide who shall be master of China. When that time comes the United States will have to elect whether she shall cast her lot with the autocrat of the North, or with the Western Power, which has always held the van in the march of liberty and progress. No matter how much we in this country may be opposed to expansion or imperialism, the United States cannot then be an unmoved spectator of events; she cannot remain neutral; circumstances will compel her to decide whether she shall be the ally of Russia or England. This is not a political question; this is not an abstract question; this is not a question whether we shall heed the injunction not to form alliances—whether we shall seek inspiration from the past and split hairs over what the fathers had in mind when they builded this republic. It is a purely material question, to be dealt with solely by practical minds. The question involved is simply this: Is it worth while for the United States to endeavor to obtain a share of the trade of China? If the answer is in the affirmative, the United States owes

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it as a duty to herself not to permit Russia to do with China what she has already done with Manchuria. Prof. Schurman, the president of the Philippines Commission, said in a newspaper interview on his return from the Orient :

"After seeing something of the Orient it seems to me that the great question there is not Formosa nor the Philippines, but China.

"Englishmen out there and in Japan, as well as the Government of Great Britain, feel that to hold China intact is the thing of overshadowing importance.

"It is feared that, now that Russia has taken Manchuria, it will try to encroach gradually on some or all of the other eighteen provinces of China, and when it gets them it will do as that country has done hitherto—put a duty on all foreign goods.

"Englishmen and Japanese feel that America should hold with them in preventing the dismemberment of China. It is felt out there that almost anything is liable to happen in the Orient in the next half dozen years. It is a momentous situation."

I think it is to be regarded as a healthy sign of the times that American newspapers, no longer deceived by the myth of "Russian friendship," realize the selfishness of Russian motives, and have the courage to expose them.

The "New York Sun" has more often opposed England and England's methods than it has championed them, and it has frequently expressed the national obligation to Russia ; but even it sees that a Russian "understanding" means a jug-handled agreement, by which Russia gets the outpouring and America nothing. "Mr. Holmstrem fails to convince us," the "Sun" remarks,

"that Russia does not contemplate the acquisition of all that part of China which lies north of the Yangtse basin, and of the section of Shantung claimed by the Germans ; that is to say, the part of the Celestial Empire to which most of our trade is, at present, confined. Neither does he give us reasons for believing that, after Manchuria and Liaotung and Chih-li and the rest of Northern China have been absorbed by Russia, which is wedded to a protective policy, American products will have as free access to that vast region as they have to-day. How could Russia grant us privileges within her Far Eastern possessions and withhold them from other Western countries, which have treaties with her containing the most-favored-nation clause ? If Russia keeps the door open for us, it must do so for others also, and the Czar's subjects would scarcely deem the Middle Kingdom worth acquiring unless they could enjoy there better commercial opportunities than were open to Englishmen and Germans, as well as to Frenchmen and Americans."

Russia's anxiety for an understanding with the United States is quite natural. She has much to gain by it : "a market for her funds," in the first place ; more remotely, an arrangement which will leave her a free hand in China. What the advantage is to the United States is not so clear.

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But, apart from this, is not an alliance with Russia unnatural, unholy almost? Between the United States, the only true republic the world has known, and Russia, the most autocratic of autocracies, what is there in common? "A Russo-American understanding," says the "New York Times," "would be an understanding between an Asiatic despotism and a Western Republic. It is almost a contradiction in terms. It is, at all events, 'a dream, and not even a beautiful dream.' The Anglo-American 'understanding,' on the other hand, is a reality. We do understand each other." "So far as real civilization, liberty, and enlightenment are concerned," says the "St. Paul Pioneer Press," "China might better welcome a visit from another Ghenghis Khan than the congealing embraces of the Russian Bear. In those embraces vast portions of Russia's present agricultural domain have withered into scenes of almost perpetual famine, as the peasant has vainly striven to satisfy both the demands of the taxgatherer and the ravenings of hunger. And that the interests of the mercantile and manufacturing classes, who in other countries are the chief factors of civilization, will be just as ruthlessly sacrificed by Russia at the slightest demand of militarism, the spectacle of Sebastopol in tears and ruin but too plainly admonishes us. Yet Washington will no doubt look on with smiling indifference as Russia plots for further acquisitions in China; will listen eagerly to the sweet story of 'Russian friendship' for America; will still refuse to coöperate with Great Britain in maintaining Chinese territorial integrity—and will wake up some day to find American commerce and American enterprise as effectually barred from all Asia, where Russia's stealth shall have won dominion, as the world's commerce is now barred from Sebastopol."

In language, in thought, in habits, in manners, in morals, in religion there is nothing in common between the great mass of the people of the United States and the great mass of the people of the Czar's dominions. Our law is based on the common law of England; our literature is derived from the same inspiration; even when we have been foes our common blood has made our deeds of heroism soften the bitterness of war. Perry's victory on Lake Erie thrills the English boy as much as the recital of Broke's capture of the Chesapeake does the American. Only the other day American and British naval officers, fighting a common foe, fell side by side; and this was not the first time the blood of the two races had mingled facing the enemy; in fact, the Russian and the American are antagonistic. It is, as Senator Lodge points out, the conflict of the Slav and the Saxon—a

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conflict which has been waging for centuries, and must eventually be fought to the bitter end, until the freedom of the Saxon is so firmly planted that it can never be assailed, or the militarism of the Slav crushes the world under its iron heel and, for a second time, the "Scourge of God" dominates.

Out of the East, Light! True; a light in which is seen reflected the faces and forms of countless thousands who have enjoyed the benign influences of the civilization of the Slav; a light which sheds its glare over Poland—Poland ravished and dismembered, destroyed, broken; a light which illuminates the eternal snows of Siberia, where the clanking of chains is only broken by the sound of the knout and the cries of the white Czar's victims; a light shedding its sickly rays over the Pale, where civilized Russia wrought upon the Jews tortures more hideous than disgraced the middle ages; a light sweeping over Finland, where, in this end of the nineteenth century, with a peace conference sitting called on the initiative of the Czar, a people once free and independent are made to realize that where Russia rules there can be neither freedom nor independence.

Out of the East, Light; a light of destruction. From the West, Peace—peace by which nations shall thrive and all mankind rejoice!

A. Maurice Low.

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LIQUID AIR: A REJOINDER.

Most people who have read Prof. Edwin H. Hall's article on "Liquid Air and Motive Power" in the August issue of The Forum will, I believe, understand it as intended to contest the utility of liquid air for the purposes of motive power. It is true that a careful analysis of the screed, sentence by sentence, will reveal some subtle limitations and qualifications; but the broad effect of the learned gentleman's observations is to make the public believe much more to the discredit of liquid air than can be justly maintained.

Take, for example, the opening sentence: "The marvellous possibilities claimed for liquid air, as a source or vehicle of motive power, have been questioned by the good sense of the general public, and denied with authority by men of science." Here the implication is, to the majority of readers, that there is no practical possibility of liquid air becoming a source or vehicle of motive power; but, when rigidly construed, the writer's words may be held as merely denouncing certain "marvellous possibilities," of a presumably fairy-tale order. The public is thus misled in a double sense, instead of being instructed. That absurd statements and pretensions have been put forward on behalf of liquid air in many newspapers, magazines, prospectuses, and advertisements, no well-informed person will deny. But there have appeared many equally absurd criticisms and "denials with authority." What is wanted, therefore, is some aid to a discriminating judgment and not the mere rhetoric of an advocate. Perhaps if Linde, Hampson, and Tripler had been "leaders of science," the scientific world in general would have done better than express a doubt or a dislike regarding liquid air. But the gentlemen in question are laymen, and have been irreverent enough to accomplish with ease a feat which in professorial circles was found very difficult. Given human nature, and the moral becomes obvious.

There is an imposing appearance of argument in Prof. Hall's article. An underlying reality is not so certain. Reduced to simple terms the reasoning runs as follows: "Liquid air can be used for motor purposes in two ways. First, it can be made a sink for heat; in which

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case its capacity is limited. Or, secondly, it can be used within the engine cylinder; in which case we should need some sink for heat outside the engine." This is all! A grandiloquent reference to the second law of thermodynamics is indeed introduced; but the professor is careful not to state the law. He merely says, "it has to do with the *availability* [the italics are his] of heat energy." The reader is left to infer that the law in question forbids liquid air to be used as a source or vehicle of motive power.

A thing that doesn't stand up cannot very well be knocked down. This is the case with Mr. Hall's argument. It fails to oppose the contention that liquid air can be used for motive power. It altogether ignores the conclusion for which it is supposed to be shaped. Called to curse it remains to bless. For all it establishes, at the most, is, that liquid air when employed for power purposes is not endowed with infinite energy. It admits that liquid air *can* be so used.

But the whole conception of the article is unsound. It assumes that when liquid air is spoken of as a source or vehicle of motive power, it is to be used in a way opposed to the second law of thermodynamics. This, however, is *not* what "the Liquid Air man," as Prof. Hall terms him, proposes to do. The inferior being in question has some understanding of the law referred to. He knows it to state that "heat cannot pass from a cold to a hot body by a self-acting process, unaided by external agency;" and he takes very good care to invoke some external agency whenever he desires to effect any such transfer of heat. He knows also that the "new motor" mentioned by Mr. Hall—namely the motor by which the expansion of three gallons of liquid air is claimed to produce ten gallons—has never existed, can never exist, and has never been proposed by any reasonably well-informed "Liquid Air man;" and, knowing this, he is surprised to find a professor of physics arguing that the absurdity in question has anything to do with the possible employment of liquid air as motive power.

If it be borne in mind that liquid air is only an advanced form of compressed air, the whole case at once becomes clear as day. Every one nowadays is aware of the immense strides made in the use of air-power, during the last twenty years. Hundreds of thousands of engines, motors, tools, vehicles, and other appliances are to-day actuated by compressed air. In Paris a large portion of the mechanical power employed is thus furnished. Here, in New York, the public has recently seen the agency in question successfully introduced for the service of street railroads. And, when any rational person

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speaks of liquid air as a source or vehicle of motive power, he merely means that it is to be used in the same way as all other forms of compressed air are used. The common practice is to compress air to a pressure of, say, 2,000 lbs. per square inch, for convenience of storage and transport, and then allow it to expand to a much lower pressure and to become heated in a hot-water apparatus before it enters the working cylinder. In the case of liquid air we have what is virtually an initial compression to 10,000 lbs. per square inch, which gives us a great advantage as regards storage and transport; and then, by expansion and heating, we can bring it to precisely the same pressure and temperature as in the case of ordinary compressed air. Hence, if it be advantageous to use the latter substance, it obviously must be more advantageous to employ liquid air. Prof. Hall will certainly admit that the great increase of efficiency of steam-engines, during recent years, has been owing to the employment of higher initial steam pressures. He is bound, therefore, in all reason to admit, that the discovery, by means of liquid air, of a way to attain vast initial air pressures opens the door to higher efficiencies and greatly extended utilities in the use of air-power.

STEPHEN H. EMMENS.

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THE PARIS CONGRESS OF THE HISTORY OF RELIGIONS.

ENCOURAGED by the splendid success of the Chicago Parliament of Religions, a number of French Protestants, Liberal Catholics, free-thinkers, and Jews conceived the idea of organizing a similar convention to meet at Paris during the Exposition of 1900. M. Victor Charbonnel, the chief promoter of this movement, felt certain that he would receive the support of several French Catholic bishops, of American prelates, such as Cardinal Gibbons and Archbishop Ireland, and of a few well-known professors of Catholic seminaries. But the soil was not so favorable at Paris as at Chicago. In Paris the militant Catholic party had denounced the Congress of Chicago as contrary to the authority and rights of the Roman Catholic Church; strongly condemning the American prelates who took part in it. The Archbishop of Paris, Mgr. Richard, and a number of other French dignitaries of the Church, have been, from the outset, hostile to the proposition of spreading the idea in Paris. If the organizers of the proposed Congress had been content to limit the membership to Protestants, Jews, and free-thinkers, leaving the National Church of France without representation—because of the opposition of the bishops who were supported by the *entourage* of the Pope—the purpose of the movement would have been completely defeated. Indeed, an assemblage of this kind would have produced the impression that it was intended as an anti-Roman demonstration.

M. Albert Réville, Professor of the History of Religions at the College of France, in discussing this point with me, recently said:

"I was one of those who, in order to avert this danger, insisted that M. Charbonnel should give us more than vague promises, that indeed he should offer us positive assurances that the bishops, priests, and professors would take part in the Congress. He was soon obliged to admit that those who had promised him their support were, one after another, withdrawing from the undertaking. His enemies also began to circulate reports concerning him; thus weakening his authority. Finally,—and this was the hardest blow of all,—the man on whom he had positively counted, Cardinal Gibbons, refused to attend the convention. M. Charbonnel at once foresaw that Archbishop Ireland would not be more courageous, and that the aged Pope would also yield to the influences opposed to the proposed Congress. In fact, when, later on, the Pontiff con-

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demned what is called 'Americanism,' all the quondam supporters of that doctrine submitted without a murmur. At last, weary of all the intrigues undertaken to check his generous project, Charbonnel declared that he would cease to be a Roman Catholic priest, and forthwith left the Church."

Last summer, shortly before leaving for America—where he lectured at Chautauqua and at the Chicago University—Prof. Bonet-Maury, the well-known scholar of the Paris Protestant Theological Seminary, gave a dinner-party at his house; inviting to his table the leading promoters of a Religious Congress to assemble at Paris in 1900. Among those assembled at the table were M. Sabatier, Dean of the Theological Seminary; M. Anatole Leroy-Beaulieu, a Member of the Institute, and a prominent thinker of the Liberal Catholic party of France; and M. Salomon Reinach, Member of the Institute, Director of the Saint-Germain-en-Laye Archæological Museum, and representative of the Hebrew element at the convention. M. Fontaines, the eloquent French clergyman, and several other important religious leaders, whose names I cannot now recall, were also present. After the dinner a meeting was held in M. Bonet-Maury's drawing-room; and here, after considerable discussion, the general plan of the forthcoming Religious Congress was outlined.

The initiative for the convention came originally from the department of Religious Science of the École des Hautes Études. This fact is significant; for it goes to show that the convention will be totally different in character from the Chicago Congress—that it will not be a religious, but a strictly scientific body. The organizers will convoke to the Congress not the representatives of the various churches, but independent and disinterested scholars, who study the history of religion from the scientific side. Thus, what cannot be realized, for the moment at least, on the ground of faith, may perhaps be achieved on a scientific basis.

But there were other disappointments in store for the Abbé Charbonnel. The free-thinkers, positivists, and others constituting a large body of the French bourgeoisie were scarcely more favorable to the movement than were the ultramontane Catholics. These elements regard the term religion as synonymous with superstition. Still under the influence of a Catholic education, they cannot understand religion otherwise than from the sacerdotal and narrowly dogmatic standpoint. For them religion is only a collection of dogmas and superstitions linked together *ne varietur*.

At the Paris Exposition anybody will be free to organize a con-

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gress on any subject whatsoever, with the understanding, however, that this be done at the promoter's own risk. Nevertheless, the organizers of the numerous congresses now contemplated desire, in the interest of those whom they invite, to secure the patronage of the General Committee of the Exposition, which body is empowered to place at their disposal assembly-rooms, employees, and policemen. Frenchmen like so dearly anything which has an official stamp. It is a weakness of the national character which cannot be overlooked. The opponents of the Religious Congress, fearing that an attempt would be made to revive the project, caused to be inserted in the rules governing the General Committee on Congresses a clause to the effect that no religious controversy or confessional discussion would be permitted at the Exposition.

From this condition of things sprang the idea of a Congress of the History of Religions. The chair especially devoted to the history of religions, so ably filled by M. Réville, has existed at the College of France since 1880. Furthermore, there has existed, since 1884, at the École des Hautes Études, of the Sorbonne, a department of Religious Sciences. The latter is devoted to the study of the original documents and historic monuments of those religions which have occupied an important place in the development of the human mind. The religions of pre-Columbian America, China, India, Persia, Egypt, Assyria, etc., are here considered, as are also Buddhism, Judaism, and Christianity. These studies of a religious order form a part of the official public programme of instruction in France. In view of this fact, there was positively no valid reason for preventing M. Réville and his associates from figuring among the societies privileged to display to the world the progress achieved in their respective departments.

The first step taken by the Sorbonne's department of Religious Science, to obtain recognition, was to place itself among the "exhibitors" by forwarding its special library, an account of its work, and other details, as exhibits. The question whether it might organize a congress was really settled by this act. Strong in its position in the University and in the Exposition itself, the department next requested the patronage of the General Committee; promising to prevent all dogmatic and confessional controversy from finding a place on its programme. But even then matters did not move too smoothly. The clerical party, who do not like even the idea of the history of religions, and the free-thinkers, who cannot understand how interest can still be taken in "such things," thought they saw in this proposition

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a hidden purpose of bringing forward the Chicago idea under another name. Nor were they entirely mistaken in this; for the history of religions furnished the principal material for the sittings of the Parliament of Religions. But the legal and official position of the section was too strong for such an objection to prevail. Consequently, the patronage of the General Committee was secured, and the section proceeded to work.

The work began with the organization of a Central Committee. This Committee, which is composed of a number of well-known French scholars devoted to different branches of the history of religions, drew up the regulations of the future Congress, which will have both general and sectional meetings. Finally, the Central Committee, which, later on, will probably be augmented by the presence of foreign notabilities, has drawn up a circular, for wide distribution, explaining the whole scope of the undertaking.

The official invitation contains the following paragraph:

"The proposed Congress is exclusively of a historical nature. During the nineteenth century the history of religions has been fully developed as an independent science, and should, therefore, be entitled to a prominent position in an international exposition, the aim of which is to bequeathe, as a legacy to the twentieth century, the magnificent achievements of the nineteenth. The history of religion has an important mission to perform, in the way of elucidating the past and in shedding its illuminating influence on the moral and social problems of the present and the future. It is desirable that all those who have the progress of the subject at heart should learn to know one another reciprocally. It is to their interest to consult together concerning the ways and means of giving religious studies a larger place in the curriculum of the universities, and to consider together certain questions of the hour. It will be profitable for all those who are isolated by their individual studies to find themselves united, for a few moments, on this common ground of scientific research."

The invitation of the Committee is, furthermore, very catholic as regards those to whom it is addressed; the list including historians, theologians, philologists, sociologists, ethnographists, folklorists, and others.

The Committee on Organization, of which M. Albert Réville is chairman, is composed of forty members; including members of the Institute, professors of the University of Paris, and other scholars of recognized authority. Among the many well-known names are Bréal, Maspéro, Berger, Oppert, Guimet, and Sabatier. The Committee has already drawn up a set of regulations, and has decided to organize the following departments: (1) The religions of the uncivilized races and the civilizations of America prior to its discovery by Columbus. (2) The

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religions of the Far East,—China, Japan, Indo-China, etc. (3) The Semitic religions,—Judaism, Islamism. (4) The religions of Egypt. (5) The religions of India and Iran. (6) The religions of Greece and Rome. (7) The religion of the Celts, Teutons, Slavs, etc. (8) The Christian religion.

The above classification is not scientific, but purely conventional. However, in order to show complete tolerance and an absolute respect for all convictions, it was deemed advisable to arrange the departments in geographical order; and it is now believed that scholars of all sects will promptly respond to the call. Every scientific communication will be received, and confessional polemics only will be excluded.

THEODORE STANTON.

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THE "NATIONAL GUARD" PROBLEM.

THE problem of the "National Guard" has not suddenly become one of national interest: it has always been considered of great importance. Recently, however, there has been a great awakening of public interest in the subject; and we are beginning to realize that this problem, so intimately associated with the national defence, must be faced and solved, sooner or later, by our timid and vacillating politicians. True, it may be possible to devise an effective scheme of national defence without the National Guard; but no such scheme has yet been proposed; and at present no plan that fails to take into account the vast interests and ambitions of that organization can hope for favorable consideration in a legislative way. A very striking illustration of this was given a few months before the late war with Spain, when the National Guard forces and influences avowedly arrested the pending legislation for the national defence, because a sufficient number of concessions had not been made to the organization.

We must deal with conditions as we find them, and not with abstract principles or theories; and the conditions here presented may be summarized as follows: The National Guard is a powerful, semi-political organization, having ramifications extending throughout all the States; and it is so constituted as to be able to take advantage of every possible political condition to further its own interests. It performs an uncertain, variable amount of drill of a semi-military nature, and receives an uncertain amount of very inadequate military instruction imparted in a very perfunctory and haphazard manner. This is so, not through any fault of the organization itself—for the men are both willing and ready to be instructed—but because of the apathy and neglect of both the State and National governments. Notwithstanding these drawbacks, however, the organization often manages to make a very creditable showing of proficiency; and the members are full of enthusiasm for military work.

The National Guard receives the very insignificant amount of $400,000 per year from the United States Government; and this is distributed among some 200,000 members. In most States, also, a cor-

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respondingly ridiculous sum from the State treasury is contributed to the general fund. In some of the States, it is true, the annual appropriation is fairly liberal; but in most of them the Guard has to depend for its support mainly upon the exertions of its individual members. Contributions are also grudgingly donated by business men, who regard them more in the light of a charity than otherwise. They rightly reason that the State or National Government, if desirous of having a military force, is amply able to pay the bill, and that money so paid would entail a public burden involving at least some sort of justice in its distribution; and they hold that the contribution system bleeds the public-spirited citizen continually without benefiting any but those who shirk their public duty.

There is great diversity in arms and equipments. In most cases, many requisites are either totally lacking or, at best, are scantily supplied. There is no adequate provision for competent instruction anywhere; and the little that is given usurps the time of those to whom it is imparted, without adequate return, and to the detriment of their business interests. Systems of organization vary with almost every State; and they all differ, in some respects, from the system which obtains in the regular army—a system which is, or should be, at least, the standard for the whole country.

Furthermore, the legal status of the National Guard is a matter of grave doubt. Although organized for the ostensible purpose of public service, some of its members claim that the organization is subject only to the orders of the Governors of the respective States, and that no call from the President is legally competent to put a single member into active operation before an enemy not on State soil. Others, while admitting the authority of the President, assert that his order must come through the Governors of the respective States, and that no call through other channels need be considered as binding. A third faction believes in the fundamental authority of the National Government; professing to be ready at all times to respond to any orders that may be issued from Washington, regardless of the channel through which such orders may come.

The question of legal status is one that demands consideration before any other point can be settled. If the organization is a State force purely, and not subject to the call of the national authorities, then the question may be at once dismissed, on the ground that the States should foot all the bills, and that, inasmuch as the organization owes no duty to the National Government, the latter should not be expected to con-

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tribute to its support. That the National Guard is not a body of volunteers is perfectly clear; nor can it be designated as a body of regular soldiers. It is, therefore, not subject to the President's orders, in the sense that our regulars are amenable to them. Consequently, only two hypotheses remain: (1), that the National Guard may be considered as a part of the militia of the United States, organized pursuant to the Constitution and laws of the United States; or (2), that it may be considered purely as a State force, over which the National Government exercises no more jurisdiction than it does over municipal police or any State officers.

Considering the attitude of the National Guard itself toward these two propositions, it will be found that when an appropriation was to be had in time of peace, the organization has usually accepted the militia proposition; while, on the other hand, whenever a duty of a dangerous character was to be performed, as in the great strike at Chicago, or during the Spanish war, the Guard has generally been on the other side of the fence. None of the three constitutional provisions relating to this branch of the service legalizes the employment of militia for military duty abroad; and the legal obligation on the members of the National Guard to volunteer in the service of the United States is no greater than that which devolves upon other citizens of the country, on the issue of a requisition for troops.

But the proposition that the National Guard is in reality a part of the militia of the United States, organized pursuant to the Constitution and laws of the United States, is susceptible of very definite interpretation. It hinges upon the fact that the National treasury has been drawn upon for appropriations in support thereof; this, together with the distribution of such allotments, and of arms and ammunition, to the National Guard, pursuant to the Federal law, having operated as a repeal of all the other militia laws of the United States which relate to actual instruction in time of peace. The fact that such allotments have always been accepted and used by the National Guard is conclusive in settlement of the question. The National Government has never contributed to the support of any purely State police or other State force; and no appropriation has ever been sought from the National treasury for such purposes. There has never been a time in the history of our country when such a measure would have been able to find a member of Congress willing to offer it for consideration—much less a sufficient number of adherents to make it a law. The annual appropriation of $400,000 is strictly a militia one, and bears that title every year. It is

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received as such by the National Guard and distributed as such by the Federal authorities. In view of these facts there can be no doubt as to the true status of the National Guard—so called.

But we have further evidence to support this statement. There is a provision in the Constitution as to how the militia shall be organized, under the direction of Congress, and how it shall be instructed by the several States, pursuant to the discipline prescribed by Congress. And there is no authority anywhere to justify the maintenance of a separate standing army in any State, not subject to the control of, and possibly inimical to, the interests of the National Government. This was one of the privileges surrendered by the States when the Union was formed. A body of soldiers, not subject to the call of the President, would constitute such an organization ; and it is therefore plain that the National Guard does not fall within this category. The doctrine of State rights never went so far as to advocate as many standing armies as there are States in the Union; and no one will be found to advocate such arrant nonsense at the present day.

Hence, we conclude that the National Guard is a portion of the militia of the United States, organized, either constructively or actually, in pursuance of the laws of the United States, and that it is subject to all the limitations of such service, and to none other. It may therefore be called into the service of the United States for any one or more of the three purposes for which the militia may be used by the National Government, and for no other. It is to be instructed by the several States in the discipline prescribed by Congress, as provided in the Constitution ; and in the course of such instruction it is certainly under the orders of the respective Governors, for such purpose, and for no other purposes whatever. It is entitled to the support, and is subject to the inspection, of the Federal Government ; and in case the respective States fail to accomplish the prescribed instruction, whatever it may be, it is beyond a question competent for Congress to prescribe what means are to be used in order to enforce such training and discipline. It would be an absurd position to take that, while Congress shall " provide for organizing, arming, and disciplining the militia . . . reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress," such reservation should be allowed to defeat the grant of power to the General Government.

The object of such grant was the establishment of a uniform and effective militia. The object of the reservation was to make the control

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thereof a joint affair; thereby operating as a check on the General Government, and as a preservative of the rights of the several States. But the reservation cannot be construed to operate in such a manner as to defeat the purposes of the grant of power. Hence, if the States fail to comply with their duties, it is competent for Congress to take steps compelling them to do so. It is also competent for Congress to prescribe such inspections, by suitable officers, as may be necessary to determine to what extent the respective States have complied, or may comply, with the Federal laws in the matter.

The National Guard problem is, therefore, the militia problem, pure and simple. The duties of the militia are defined in the Constitution; and the organization cannot be used except as therein provided. It is subject to the orders of the Commander-in-Chief of the forces of the United States to repel invasion, to suppress domestic insurrection, and to enforce the laws of the Union. It is subject to the orders of the Governors of the several States, as regards the appointment of officers, and to the course of instruction or discipline, as prescribed by Congress; but it cannot be used for any other purpose, unless so authorized by Federal law. It acts as a constant check upon any undue influence that might be exercised by the regular forces of the United States. Moreover, it is the training school for the volunteer forces of the United States, and stands in the same relation to the latter as do the regular forces. The members are bound to perform the duty of volunteers, just as are discharged members of those forces, and in no other way. But, in its bearing upon this problem, the militia organization is more important than the regular army, because it is numerically greater than the latter and, to a larger extent, the conservator of State rights. It is in the latter respect that the organization has the most important bearing on the welfare of the nation as a whole.

Keeping in mind the legal status of the Guard as thus determined, it is practicable to approach the consideration of the problem with intelligent ideas as to what can be done. The functions of the National Guard are twofold:

1. It constitutes, or should constitute, a National reserve of instructed men, at the call of the President, for any one or more of the specific purposes mentioned in the Constitution. In this respect it forms a perfect check upon the power of the regular army. Our country is a splendid system of checks and balances throughout. There cannot exist a reasonable doubt that the framers of the Constitution intended the militia to form such a check on the army. The Constitu-

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tion recites that a "well-organized militia is necessary to the security of a free people." It places the command and training of the same in the hands of the direct representatives of the people, and reserves the appointment of the officers to a source yet nearer to the community. Hence the Guard will always be a body in sympathy and in touch with the masses to a much greater degree than is the regular army. The development of a numerous, well-organized, and well-supported Guard will, at all times, place in constitutional hands a force many times larger than the army, and one always ready to repress any undue activity or ambition of military men of the regular force. At the present time, when the exigencies of the hour have made a great enlargement of the regular forces necessary, it becomes doubly necessary to develop in a commensurate degree that check and balance provided by the Constitution against any possible preponderance of a military sentiment.

2. The National Guard is the great training school of volunteers for future emergencies. To this source we look for well-trained regiments at the outbreak of sudden complications. At present, when the United States has just entered upon the world's arena, such complications are liable to arise at any time. It becomes, therefore, a matter of great importance to develop this part of the public service in a degree corresponding to the new conditions that now confront us.

We reach the inevitable conclusion, therefore, that a time has arrived in the history of our country when Congress should take up the neglected militia laws, at present on our statute books, and bring them up to date. It must approach this subject in a spirit of liberality, and provide not only for an adequate system, but also for the revenues requisite to conduct the work.

The number of men to be drawn into this service need not be a source of trouble: plenty of volunteers can always be found. Any compulsory system is out of the question in this country; but if adequate remuneration be given for the time exacted volunteers will be found who will engage in this service from motives of patriotism, for the gratification of ambition, or as a political move.

It is not too much to say there ought to be one good regiment of National Guards in every Congressional District. Such regiments should be required to devote one month every year to purely military service, and should be reimbursed therefor by the National Government. All arms and equipments should come from the same source; and the constitutional limitations of militia service should be strictly observed.

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In spite of the relation of the Guard to the army, as a constitutional check, there is every reason why the two forces should be intimately associated for military exercise and training. It is undeniable that the Guard can thus absorb an amount of instruction which will be of great benefit to it. There will always be a certain degree of antagonism between the two forces; and it is well that there should be. It is an undeniable fact that a large standing army, under certain conditions, may become a menace to the liberties of a free country. Indeed, a considerable number of our citizens see in the present military spirit of the times and in the impending increase of the army a real and serious danger to the commonwealth. But the intimate association of the two forces for instruction will not benefit the Guard alone: it will also confer a liberal education on the regular army as to the tone, spirit, and feeling of the people. While fitting the Guard more perfectly to defend the liberties of the masses it will, at the same time, exert a powerful influence on the army; bringing that body into closer touch with the community, and reducing to a minimum any tendency toward absolutism. One of the principal needs of the regular army is to get into closer touch with the people, in order that it may better understand the trend of popular sentiment, and to be better understood by the voters of the country.

Pursuant to the above scheme there could be formed a truly National guard—one that would be a great reserve for all times of emergency. This is the greatest need of the hour and the truest safeguard of our National institutions.

JOHN H. PARKER.

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CHINESE DAILY LIFE.

THE day begins early in China, and may, with perfect propriety, be said to end late. I have never been in the streets so late that I did not find some shops, usually cheap restaurants, open and patronized; nor, for that matter, have I been out so early as to catch all, save the watchman, sleeping; while the cry of the proprietors of peripatetic kitchens can be heard at all hours of the day and night. I have always assumed that those who were out in the small hours made up for it by sleeping late, and the afternoon siesta is popular in China with all classes, as it helps to make up the necessary rest.

In the matter of early rising the Emperor sets an example to his people. It is not unusual for him to hold audience with his Cabinet Ministers at the unholy hour of two in the morning; and during summer and winter it is his custom to meet with them at daylight. Foreign ambassadors have always complained of the attempt to make them attend His Majesty at four or five o'clock. Though few of his subjects strive to emulate the Emperor in regularly getting at their occupation an hour or two after midnight, yet in summer they are usually stirring at sunrise, and in winter long before daylight.

According to our notions the sleeping apartments of even the well-to-do are not comfortable or convenient. The rooms themselves, even in the houses of the wealthy, are usually dark and poorly ventilated, and often are nothing more than inside cupboards. The bedstead, which is made of wood, is high, has a full canopy, and, in many instances, is very heavy and most ornately carved. It frequently stands in an alcove, as if to nullify completely the benefit of the little fresh air which might possibly slip in through the door. I have seen some magnificent specimens of cabinet work in bedsteads which had been handed down from father to son, for several generations, and which, because of their massiveness, promised to last for many more. They use no springs, nor is there any mattress to soften the hard boards. A single mat is spread in place of a mattress; and for covering they sometimes supplement their ordinary clothing with a wadded

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quilt. In winter extra clothing is put on ; and in the extreme north, where the weather is bitterly cold, there is found in the residences of the well-to-do and in inns a divan of masonry, varying in size, beneath which are fireplaces. On this the household sleeps, and the fire is utilized for cooking purposes. For pillows, hollow square frames of rattan or bamboo are used, frequently just a block of wood, of the right height to fit into the nape of the neck and give support to the head when lying on the side. These are by no means as uncomfortable as the description sounds; indeed, in warm weather, after one becomes accustomed to them, they are preferable to a soft, hot feather pillow or bolster. Sometimes, but not often, the bedchamber is used during the day as a sitting-room, when the mat and covers are rolled up and pushed to the back of the bedstead to furnish a seat on the boards along its edge. A high-seat, straight-back, uncomfortable chair or two, a wooden settle, a bedside table, perhaps a wardrobe, and possibly a washstand with its equipments, complete, with some exceptions, the list of furniture. On the walls may be hung a few scroll pictures or "golden texts" from "The Classics ;" and there may be a piece of bronze or some ornamental pottery. Tucked away somewhere in the room one will probably find an opium-smoking outfit, even if the occupant be not a confirmed smoker.

The morning toilet does not consume much time. The Chinese are not fond of bathing. Like our own ancestors, they think we go to a great deal of unnecessary trouble to help nature keep us clean ; and really they seem to live as long and as happily as we do. To wash the face and neck with a cloth which has been wrung out in hot water is considered quite enough in the way of ablutions. Occasionally this process is extended to the whole body. It must be said, however, that, as a rule, the Chinese take good care of their teeth. The adjusting of clothing is quickly accomplished; and within a few minutes after leaving his bed the man is ready for the duty or the pleasure of the day.

His first act is one of worship. In every home a shrine, a tablet, an oratory, or a domestic temple, according to the wealth and position of the family, contains the simple legend of two ancestral names written on a slip of paper or carved on a board. The posthumous name, not necessarily a new one, is that given to a man by his family. The "Hall of Ancestors" is found in the house of almost every member of the family, but always in that of the eldest son. In rich families it is a separate building, often a very beautiful little temple ; in others,

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it is only a room set apart for the purpose ; and in many it is but a mere shelf or shrine.

The tablet, or *shin chu*, is a board about twelve inches long and three wide, placed upright on a block pedestal. The inscriptions on two of those I have seen are as follows : "The tablet of Hwang Yung-fuh (late Ching-teh), the head of the family, who finished his probation with honor during the Imperial Tsing dynasty, reaching a sub-magistracy." His wife's reads : "The tablet of madame, originally of the noble family Chin, who would have received the title of lady, and in the Imperial Tsing dynasty became his illustrious consort." A receptacle is often cut in the back of the tablet, to receive pieces of paper bearing the names of the higher ancestors or other members of the family. Incense and papers are daily burned before them, which process is accompanied by a bow or act of homage, and may be said to form a sort of family prayer. That the worship of their ancestors by the Chinese is idolatrous cannot be doubted; and it forms, in fact, one of the most subtle phases of idolatry ever established among men.

I have said that the man is now ready for the duties or pleasures of the day. So far as he can do for himself this is true ; but there is one more thing to do for him. The ancient Chinese—that is, the inhabitants of China proper, without including any part of Mongolia, Manchuria, Tibet, or the tributary states bordering on the original eighteen provinces—allowed the hair to grow all over the head. They did not cut it, but wore it bound upon the top of the head, secured by one or more long bodkins, as may be seen in some very old pictures. But in 1627 the Manchus, then in possession of only the Shingking province, at the extremity of which is Port Arthur, issued an order that all Chinese under them should adopt their style of coiffure as a sign of allegiance, or pay the penalty of death ; and the fashion thus begun by compulsion is now followed from choice.

It is alleged, with much appearance of reason, that the death penalty was rarely enforced. The Chinese, however, soon discovered that he who *did* have his head shaved in the Manchu fashion had many advantages, and that, in the event of litigation, the shaved pate invariably secured for its owner a verdict from the Manchu judge against the wearer of a full head of hair ; hence they all adopted that style. As no man can safely undertake to shave the top of his own head, a barber is daily called into service. In the case of a prosperous man he comes to the house, while the poor man goes out into the street

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and sits on the box of a peripatetic barber to have his face and head shaved, his ears cleaned, his eyes swabbed out (the chief cause of the prevalence of ophthalmia), and his queue braided.

Whiskers are seldom worn, save by some of the mandarins of high rank, even by the very few who can raise them; and mustaches are not considered proper for a man under forty. In most parts of the empire the mustache is worn only by men who have attained to the dignity of being grandfathers; and the term for such is "old hair man." The fact that so many young foreigners wear mustaches deceives the Chinese into thinking that they are much older than is really the case.

It is hardly necessary to go into the details of the costume, which is so familiar to almost every one. The sleeves of the tunic or gown are much wider and longer than the arms, have no cuffs or facings, and in common cases serve as pockets. A Chinese, instead of saying "he pocketed the book," would say, "he sleeved it." In robes of ceremony the end of the sleeve resembles a horse's hoof; and good breeding requires the hand to be kept in position to exhibit this when sitting. In the heat of summer men seldom wear more than one tunic, although the Chinese are always careful to protect the stomach by a broad belt, which often has a pocket. In winter they pile on thickly wadded ones, until sometimes as many as a dozen are worn by one whose occupation requires him to be in the open air without much exercise.

The Chinese have various ornaments, such as finger-rings, wristlets and anklets of jade, chains, and rosaries, besides ornamental decoration on cases for the pipe, tobacco, fan, and chopsticks. But in none do the Chinese go to so much expense and style as in their small snuff-bottles, which are usually suspended from the girdle by a handsome chain. They are made of precious metals, stone, amber, agate, jade, or other material, with most exquisite taste. Snuff is laid on the thumb-nail with a tiny spoon, and then inhaled—a less objectionable fashion than is the foreign mode of "pinching."

We may assume that soon after leaving his domicile in the morning the Chinese gentleman meets friends to whom he gives greeting. The common form of salutation among equals is for each to clasp his own hands before his breast and make a slight bow, saying "*Tsing! Tsing!*" that is, "Hail! Hail!" This is repeated by both at the same time, on meeting as well as at parting. The equivalent of our "How do you do?" is "Have you eaten rice or not?" To this the reply is "I have eaten sufficient;" both inquiry and answer often being

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accompanied by gestures simulating the movement of the chopsticks in eating and indicating repletion.

The all-important Chinese ceremonial has been described by Dr. Morrison as follows :

"In their common intercourse the Chinese are not more formal than is considered to be well bred with us ; it is on extraordinary occasions that they observe the precise etiquette for which they are famous. The proper mode of behavior toward all classes is perhaps more carefully inculcated upon youth than it is in the West, and habit renders easy what custom demands. Chinese ceremonial requires superiors to be honored according to their station and age, and equals to depreciate themselves while lauding those they address. The Emperor, considering himself as the representative of divine power, exacts the same prostration which is paid the gods; and the ceremonies which are performed in his presence partake, therefore, of a religious character, and are not merely particular forms of etiquette, which may be altered according to circumstances. There are eight gradations of obeisance, commencing with the lowest form of respect, called *kung shao*, which is merely joining the hands and raising them before the breast. The next is *tso yih*, bowing low with the hands thus joined. The third is *ta tsien*, bending the knee as if about to kneel, and *kwei*, an actual kneeling, is the fourth. The fifth is *ko tao* (the kotow), kneeling and striking the head on the ground, which, when thrice repeated, makes the sixth, called *san kao*, or 'thrice knocking.' The seventh is the *luh kao*, or kneeling and knocking the head thrice upon the ground, then standing upright and again kneeling and knocking the head three times more. The climax is reached by the *san kwei kiu kao*, or thrice kneeling and nine times knocking the head. Some of the gods are entitled to the *san kao*, others to the *luh kao*, while the Emperor and Heaven are worshipped by the last."

It was the positive refusal of the first ambassadors from Great Britain and the United States to perform this abject ceremony which caused the delay in securing treaty rights.

Refreshment is seldom taken immediately after rising, except, perhaps, a sip of tea, and that often cold ; and there are usually but two hearty meals eaten during the day—breakfast about nine and dinner about three. The prevailing opinion that the Chinese are gross eaters is erroneous. Indeed, the proportion of animal food consumed by them is probably smaller than among other nations in the same latitudes ; one platter of fish or flesh, and occasionally both, being the usual allowance on the tables of the common people at the principal meal of the day. With the very poor even this is rare. Consequently, the Chinese are largely given to a vegetable diet.

The cuisine of the Chinese and the mode and ceremonies attending their feasts have done much to give them a somewhat extraordinary reputation. Globe-trotters, striving to make their letters brilliant and their books sensational, have told such wonderful tales of bird-nest soup, canine hams, grimalkin fricassees, rats, snakes, worms, and other

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culinary novelties, served up in such marvellous styles and eaten with such apparent relish, that their readers naturally take it for granted that these things form a large proportion of the food of the people of China.

Generally speaking, the diet of the Chinese is sufficient in variety, wholesome, and well cooked, even if their methods are essentially different from our own. Doubtless, many of the dishes are found extremely unpalatable to Americans, because of the quantity of nut-oil used and by reason of the pungent flavor of the large amount of garlic introduced. In the latter respect, however, the dishes of Southern Europe are equally objectionable. As to the assortment of food, it has been said, that there is a wider difference, perhaps, between the rich and the poor of China than of any other country.

It is probably true that the Chinese use a greater variety of meats than do the people of other countries, although but little land is set apart for grazing or for the cultivation of food for live-stock. Beef is not a common meat, principally because of the Buddhistic prejudice against killing any animal, and particularly such a useful one. Since hogs can be so economically reared, pork is undoubtedly, after rice, the leading article of food. This is eaten in every form, and one may say that every part of the animal is utilized for food. Horseflesh, venison, antelope, and bear are often seen ; but, in passing through the markets, pork, mutton, and fowls are the most conspicuous. For fish, the Chinese have an omnivorous appetite ; nothing from the water, either fresh or salt, being rejected. A few kittens and puppies may be offered for sale in cages. Those which are intended for the table are fed upon grain and clean food ; so that if the nature of this food be considered, it is far more wholesome than is the unclean hog. To assert that cats and dogs form a staple article of food is pure fiction.

One may live for years in a Chinese city without seeing rats or mice offered for sale as food. They *are* sold for medicine ; but even for this purpose they are not so easily caught as to be cheap. The treatment to which the common people often subject unfortunate rats which have been caught in the granary militates strongly against the notion that these animals are selected as choice tid-bits for the table. Because the rats steal their most precious article of food, rice, the Chinese hold that they are criminals of the deepest dye, and that they merit the worst kind of torture. Black dogs and cats are favorites among the most superstitious natives of the south. These animals invariably command a higher price than others, and are eaten

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at midsummer, in the belief that the meat insures both health and strength for the ensuing year. The blood of all animals is taken, so far as concerns religious scruples, except by Buddhist priests, by a few of the stricter laymen, and, of course, by the Mohammedans, of whom there are quite a number in the northern part of the country.

If one listens to the descriptions of some who have resided in China for a short time, and who have held rigidly to the superiority of the methods of living which are approved of by foreigners, it will be concluded that the Chinese possess neither comfort in their houses, cleanliness about their persons, nor civility in their manners. As to comfort in their houses and cleanliness of person, it is admitted that they are not such as we like. As to civility of manners, however, I shall quote an old friend who has spent many years in both China and Japan. He said, contrasting the two peoples :

"If a Japanese, while in your company, should drop his handkerchief and you should move to pick it up, he would make a great pretence of preventing you, although he would let you do it and be voluble and extravagant in his thanks ; but if it should drop a second time, he would *look* for you to pick it up. If the same thing should happen in the case of a Chinese, he would thank you politely and briefly the first time, and then see to it that it did not happen again."

The legal profession, as distinct from the possession of office, is not an occupation in which learned men can obtain an honorable livelihood. The nearest approach to a lawyer, in our acceptation of the word, is the licensed notary, who prepares the written accusations, pleas, and statements which are required in the mandarin's court. These notaries may read their papers in court ; and they take opportunity to explain circumstances in favor of their clients. They buy their situations from the judges before whom they plead, and repay themselves by a fee upon the documents. They have the reputation of extorting heavily for their services. The practice of medicine is so entirely empirical and strange, that the few experienced practitioners of the modern school are not enough to redeem the class. The priesthood is confined to monasteries and temples, and its members do not enter into society. These three professions, which elsewhere do so much to elevate society and guide public opinion, being wanting, educated men have no stimulus to draw them out into independent action.

The competition for literary degrees and official rank, the eager pursuit of trade, and the dull routine of mechanical and agricultural labor form the leading vocations of the Chinese people. Unacquainted with the intellectual enjoyments found in books and the

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conversations of learned men, and rarely having an educated taste, as we understand the term—while, too, they cannot find such a thing as desirable female society—the Chinese resort to the dice-box, the opium pipe, or the brothel for their pleasures, yet not without a loss of character among their peers.

Active, manly sports are not popular with grown men. A naturally phlegmatic temperament works against such; and there are further obstacles in the inconvenience of dress as well as in the peculiar notions of dignity and decorum. Instead of engaging in a regatta, a game of ball, tennis, bowls, young men, to prove their muscle, lift beams with heavy stones at each end, like huge dumb-bells. Or, tucking up their long gowns under their girdles, they kick their heels in a game of shuttlecock; using the thick soles of their shoes as the battledore, never touching the shuttlecock with their hands until it falls to the ground after a misplay, when a forfeit is scored against the player who misses.

The out-door amusements of gentlemen consist in flying kites; carrying birds on perches and throwing seeds high in the air for them to catch; sauntering through the fields; capping verses at some swell restaurant in the town or at a favorite suburban garden; or lazily boating on the water of harbor, lagoon, or river, as one passes the *dolce far niente* in a Venetian gondola. These are innocent, if somewhat feeble, amusements; but the more highly colored ones are also indulged in. Pitching coppers, fighting crickets or quails, tossing up several small balls at once, kicking large leaden balls against each other, snapping sticks, jackstraws, chucking stones, or guessing at the number of seeds in an orange are plays for lads. The Chinese children of a larger growth often take a hand in the cricket and quail fights; and large sums of money change hands on the issue of one of the latter. Birds are often set up as representing a village or a town; the whole sporting element backing their birds as some of our people do gamecocks.

Gambling is universal. Hucksters at the roadside are provided with cup and saucer; and the clicking of their dice is heard at every corner. A Chinese urchin with but two copper *cash* (about one-sixth of a cent) prefers to risk their loss on the throw of a die to simply buying a cake without the chance of getting it for nothing; the shrewd pedler usually laying enticing odds to lure on his victim. The most common game of luck is *fan tan;* which, by the way, is not, as is frequently supposed, a game of cards, but is played with *cash*. Chi-

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nese cards are smaller, more numerous, and essentially different in character from ours, as are the native games played with them; but poker and whist, played with our decks, are becoming popular at the treaty ports with a few of the advanced natives, many of whom are displaying marked skill, as some foreigners know to their cost. In China, chess is a very ancient game. Indeed, it is supposed to have been invented by Wu Wang, 1120 B.C.; but the rules of the Chinese game are so unlike those of the East Indian game as to suggest an independent origin. There are seventy-two squares; and the power of the pieces, which are somewhat similar to ours, is more restricted.

Theatrical performances are very popular. Gentlemen rarely patronize the ordinary ones—which are generally connected with the religious celebration of the festival of the god before whose temple they are given—because they prefer a more exclusive entertainment. There are few permanent theatres; for the properties, other than the costumes, are meagre. All that is required in the way of a stage is a platform raised above the level of the heads of the spectators, inclosed on two sides with mats, and having a dressing-room at the rear. Actors and acrobats can be hired cheaply; and their performances form part of the entertainment at formal dinner parties and other festivals in the houses of the rich, to amuse the women, children, and relatives who cannot go out to see them. Such performances take but a few hours, while the public ones—almost always historical—usually extend through three entire days, sometimes longer, with brief recesses for sleeping and eating. In villages, where they are comparatively rare, the people act at the time as if they were bewitched; neglecting everything to attend them.

The Chinese are both a social and a sensuous people. The pleasures of the table form a principal item in the list of their enjoyments; but the higher delights of mental recreation, such as improvising verses, turning epigrams, and introducing recondite allusions to "The Classics," are not altogether wanting on suitable occasions. Private meals and public feasts among the higher classes are both dull and long to us, because ladies do not participate. In China each sex is of the opinion that the meal is more enjoyable without interference from the other.

An invitation to dinner, like a visiting-card, is written on a slip of vermilioned paper about eight inches long and three wide, which is left open, or folded four, six, eight, or more times, according to the position of the sender; rank decreasing directly as the number of

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folds. It is usually, although not necessarily, inclosed in an envelope. It reads something like this: "On the —— day a trifling entertainment will await the light of your countenance. Tsau San-wei's compliments." Officials sometimes merely send their visiting-cards, similar in shape and color to the paper on which the above-mentioned invitation was supposed to be written, with a verbal message: "The taotai presents his compliments and will be glad to see Mr. —— on the ——." Another card is sometimes sent on the day itself, stating the hour of dinner, or a servant comes to call the guests, who will, he knows, be ready some hours before the time.

On arriving at the appointed place of entertainment—which is not usually his residence, unless he is an official with a handsome *yamun*—the host will be found dressed in his hat or cap and robes, awaiting the arrival of his guests. After they are all assembled he will often, when only his countrymen are present, request them to follow his example and lay aside their robes of ceremony. This is not only convenient, but also considerate; for the stiff, heavily embroidered materials greatly impede the movements of the wearer. Furthermore, as it is easy to put a hundred dollars and more into one of those ceremonial tunics, the damage which would result from spilling a greasy soup is to be avoided, if possible. In warm weather, after the feast has begun and the liquor has circulated a little, the host often continues his example of comfort, until, long before the repast is over, most other garments have also been discarded.

The usual way of arranging guests is by twos on each side of small uncovered tables placed in lines—an arrangement convenient both for serving the numerous courses and for removing the dishes. This also permits a fair view of the musical, theatrical, or acrobatic performance, which almost invariably takes place on the opposite side of the courtyard. But it must not be understood that the dishes are served to each guest by waiters, as at our meals. One large platter or bowl is placed on each table; and each person helps himself therefrom with his chopsticks, or removes a portion to his own small bowl, with a porcelain spoon. Sometimes, if the party does not exceed eight in number, one long table is used; the ends and one side only being occupied. The host is at the extreme right, which is the post of least honor. If the party be large, ten minutes or more are wasted by the host and guests in going through a tedious repetition of requests and refusals to take the highest seats. Finally the host occupies his chair; and then each knows exactly, from his rank, which place he is to take,

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without the aid of name-cards. At my first official dinner, which I attended when a boy of fifteen, I caused much amusement to both natives and foreigners by ignoring the formality of declining when told to take the seat of honor. I took the seat as soon as I was bid; thus taking precedence over several foreign consuls and native officials of high rank. My ignorance, however, broke the ice of stiff ceremony; helped to make the entertainment one of the most enjoyable of its kind that any of them had ever attended; and gained for me the friendship of our host, the taotai, commissariat officer, or intendant of circuit, who continued to show his good-will during the rest of my stay at Swatow.

On commencing the feast, the host, standing up, salutes his guests with a cup; apologizing for the frugal board before them, and protesting that his only desire is to show his respects to them. At a certain period in the entertainment they reply by simultaneously rising and drinking his health. The Western custom of giving a sentiment is not known; and politeness requires a person, after drinking healths, to turn the bottom of his tiny winecup upward, to show that it has been drained. The succession of dishes is not uniform in any way like ours. Soups, fish, meats, fruits, preserves, and curious dishes quite strange to us—and some palatable and others repulsive—are brought on entirely at the discretion of the *chef*.

When the party is so arranged as to make it practicable, it is deemed a compliment, on the part of the host, to take with his own chopsticks, from the large dish, a tempting morsel, and put it into his guest's individual bowl; it is still more flattering for him to put the morsel right into the mouth of the person whom he wishes to honor; only, if he desires to avoid trouble, he will pay each guest in turn the same compliment. The fruit is often brought in after a recess, during which the guests rise and refresh themselves by walking and chatting. From three to six hours are sometimes given to one of these dinners.

The end of the dinner is announced by a bowl of plain boiled rice and a cup of tea, as if the host would say, in self-depreciation: "I have tried to provide an entertainment worthy of you, but I feel that I have failed; and lest you should leave my table hungry, I beg that you will satisfy yourselves with this staple." It is needless to say the rice is never untouched. The guests are expected to leave soon after this. It is not considered impolite for one to express his satisfaction with the good fare before him; nor is it bad form to retire before the dinner is ended.

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The guests often relieve the tedium of the long waits between courses by playing *chai mei*, or morra, which consists in showing the fingers and calling a number at the same moment. For example, if one throws out two fingers and calls four, the other instantly shows six fingers and repeats that number. If he fails to give the complement of ten, he pays a forfeit by drinking a cup. This is only another curious instance of the topsy-turvy way of doing things in China ; the loser apparently getting the advantage ! The game is common with all classes ; and the boisterous merriment of the players at their dinner is frequently heard as one passes through the streets in the afternoon. Moreover, drinking-bouts, pure and simple, with the noisy accompaniment of *chai mei*, are by no means rare during the evening and late at night.

The native liquor of the Chinese is that which is known in Eastern Asia as toddy, arrack, or tsui. It is distilled from the yeasty liquor resulting from boiled rice under pressure for many days. Only one distillation is made for common liquor, which is very low-proof. When more strength is wanted, the liquor is distilled two or three times ; and it is this strong spirit alone which is rightly called *samshu*, which means, "thrice fired."

The general and local festivals of the Chinese are numerous. They serve, in a measure, to give the rest which is secured for us by Sunday respite from ordinary vocations. The first three days of the Chinese (lunar) year, one or two days about the middle of April for worship at the tombs, the two solstices, and the festival of the dragon-boats are common days of relaxation and merrymaking. Only on the first day, the New Year, is business entirely suspended. In addition to those I have mentioned, there are holidays for special families, or the days set aside for the festivals of the particular temple with which these families are connected.

JOSEPH KING GOODRICH.

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A CENTURY'S LABOR LEGISLATION IN FRANCE.

THE Third Republic looks back to the Revolution of 1789 as the starting-point of all that counts for liberty and progress in her laws. In that year was formed the immortal Constituent Assembly, which cast to the winds the traditions of centuries; threw down the structures raised by generations of tyranny; and inaugurated reforms whose evolution is not yet complete. By that Assembly the serfs were emancipated, titles of nobility abolished, and Protestants placed on a legal level with Catholics; church property was nationalized, on motion of the prelate Talleyrand; the universal Rights of Man were declared, on the proposition of the favored son of nobility, La Fayette; and commerce and industry were proclaimed free to all.

In contrast to the principle of the ancient law which declared "all assemblies of several persons in one body" to be illegal, the revolutionary government conferred on the citizens "the right of assembling peaceably and forming free societies." (November 13, 1790.) But this ray of hope was soon darkened by the law of June 14, 1791, which declared: "The suppression of every species of corporation of citizens of the same condition and trade being one of the fundamental principles of the French Constitution, it is forbidden to reëstablish them, under any pretext or form whatsoever." In case of a meeting held in violation of this law, the leaders and instigators were to be fined 500 livres each, and suspended for a year from the exercise of all rights of active citizens; while the use of threats was made punishable by a fine of 1,000 livres and three months' imprisonment. On a demand of urgency, the law was passed at once. Le Chapelier, speaking for the Committee of Constitution, explained the cause. Already there had been formed in different parts of France assemblies "to force contractors to increase the price of a day's labor," . . and to induce employers and workers to "sign in registers an obligation to accept the rates of wages fixed by the assemblies." Not only threats, but violence had been employed against men who remained at their posts, content with their wages. Furthermore, he declared, there existed but two interests, the state and the individual; and hence there could be no recog-

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nition of a mass or corporation. From the Constituent Assembly, of which La Fayette wrote that "never was any union of men guided by a truer devotion to all that pertains to the liberty of a nation," one would naturally have expected a law recognizing the dignity of labor and bettering the condition of the sons of toil. Vain expectation. On the contrary, the poor and the weak were deprived of their only effective weapon against fate and the employer—coalition; and millions upon millions of weary workers toiled and died before the law of 1884 established the workingman's right of free union.

If the legislators of 1791 deprived the masses of their chief arm of offence and defence, they at least offered a substitute in guaranteeing employment to all. On September 13 the Constitution, which was intended to crystallize and perpetuate the work of the Constituent Assembly, was formally accepted by Louis XVI. Therein it was recognized as the duty of the state to provide work for the "able-bodied poor who shall not have been able to procure it themselves." Another provision required the legislature to fix, once in every period of six years, the minimum of a day's wages. By a third stipulation of this revolutionary document every "servant receiving wages" was deprived of the rights of an active citizen—which was not quite as inconsistent with the Declaration of the Rights of Man as was the institution of slavery with our Declaration of Independence. Two years later, June 24, 1793, the Constitution revived "the right to unite in popular societies;" and, though power of restraint or prohibition for cause was conferred by law on the Government, associations were not legally inhibited for some time thereafter. By the same Government it was officially declared that disabled workers are as respectable as disabled soldiers; and that every man should have his land, his salary, or his pension. Yet, in spite of these fine phrases, five persons in every hundred were counted as paupers. Notwithstanding the general misery a special law, of 23 Nivose, an II, regarding paper factories, not only forbade labor reunions to incite the stoppage of work, but also forbade the men individually to quit work "except for duly certified cause of sickness or infirmity."

By the iron hand of Napoleon a new plan of national policy was traced, whose most noble and enduring results are found in the codification of the laws. The work, begun under the Consulate, was completed under the Empire; and it long engaged the serious attention of the great organizer himself as well as of some of his ablest coadjutors. No one would expect to find in the lawmaking of a man whose short

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and brilliant career sacrificed more than a million human lives any special consideration for the welfare of the toiling masses; and in fact there was none. In the Civil Code, adopted 1803, is found, on the contrary, a provision which regards the laborer as unworthy of confidence, and which, at the same time, tempts the cupidity of the employer. For in case of dispute between them, "the master's word is taken for the rate of wages; for the payment of the wages of the expired year; and for part payments made during the current year." (Article 1781.)

The Penal Code, Article 414, which was adopted in 1810, was concerned with the working classes only to provide for their punishment:

> "Whoever shall cause or maintain, or attempt to cause or maintain, a concerted stoppage of labor, by the aid of violence, blows, menace, or fraudulent tricks, with the object of forcing the raising or lowering of wages, or injuring the free exercise of industry or labor, shall be punished by an imprisonment of six days to three years and a fine of sixteen to three thousand francs, or by one of these penalties only."

There follow other provisions regulating police surveillance of those violating this law and punishing all concerted action which might be interpreted as "causing injury to the free exercise of industry or labor." Still another article (291) of the same code was later applied toward the obstruction of the labor movement, although at its inception such an object was not at all in view. This is shown by the debates during its preliminary consideration in the Council of State. When it was proposed, by severe penalties, to disallow any association of more than twenty persons, except by the formal consent of the Government, and under such conditions as the authorities might impose, the Arch-Chancellor objected, on the ground that this would prohibit literary societies, and that the law should not thus, without sufficient reason, restrain the habits and tastes of the people. Accordingly, it was decided that the law should be limited in its effects "to religious and political reunions." In spite of such intention on the part of the lawmakers, this article was one of the weapons afterward employed by the courts of justice for the suppression of labor agitation and strikes.

Napoleon, however, was driven out by foreigners, and succeeded by Louis XVIII, whose death made room for Charles X; and he in turn was forced into exile by rebellious subjects, who elevated Louis Philippe to the throne, under promise of a mild government. But the mildness is scarcely shown in the law of April 10, 1834, which applied Article 291 of the Penal Code to associations divided into sections of less than twenty members each, and at the same time made the penal-

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ties much more severe. In 1848 he followed the way of Napoleon and Charles X into exile; and the Republic, for a second time, assumed possession of the ship of state. On February 25 a series of principles in favor of labor was promulgated; including the guaranty of work to all citizens, and recognizing "that the laborers should form associations in order to enjoy the benefit of their work." The Constitution proclaimed the right of citizens to assemble peaceably and without arms; and a "Governmental Commission for the Workingmen" was instituted. But in less than sixteen months a law was passed authorizing the Government to "interdict clubs and other public reunions which might be of a nature to endanger public security." With this weapon in hand, Napoleon III assumed the title of emperor. However, half a century had not passed without the doctrines of the philosophers and politicians percolating through the body of the people; and the right of assembly was demanded with such insistence, that a law passed on June 6, 1868, declared: "Public meetings may take place without previous permission," on condition of three days' notice to the authorities, provided they be held within an inclosure.

Then came the tempest of 1870–71, which swept the Second Empire into the past; and the Third Republic, with hesitating step, entered the hall of legislation. In 1881 public assemblies were declared free. Meantime, capitalists had been given certain rights of association; but the masses, the toilers, the weak were still denied such a boon. A better day, however, was approaching. Thoughtful minds were planning; friendly tongues were agitating; and public sentiment was being moulded. Finally, on March 21, 1884, French laborers obtained the right so long awaited, so earnestly desired; namely, that of free union for the "study and defence of their economic, industrial, commercial, and agricultural interests." Furthermore, these unions were to become legal bodies, with power to appear in court, to collect dues, to acquire real estate sufficient for their reunions, libraries, schools, and lecture halls, and to found mutual aid societies, employment offices, etc. By a law of June 4, 1888, they were permitted to make contracts for government supplies, both national and departmental; and, in 1893, this right was extended to contracts with communes. The keen interest of the working classes in the law of 1884 may be best illustrated by their activity under its ægis. On July 1, 1897, the laborers were united to the number of 431,794, in 2,316 *syndicats* or unions; and many of these societies were in turn associated into larger bodies, under different names, and with various objects in

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view. Moreover, there existed, at that time, some 170 societies, with 32,237 members, where employers and employed together sought their mutual benefit.

Almost of equal importance with the laborers' right of union are the means, ready, simple, and inexpensive, whereby the constantly recurring misunderstandings and contentions between capital and labor may seek a peaceable solution. In this matter the French Government, at an early date, invented the *conseils de prud'hommes*, or trade councils, which institutions still exist ; and if they have not produced ideal results, their activities, nevertheless, have been most salutary. Although the code of Napoleon emphasized the inferior position of the workingman the law of March 18, 1806, began a movement which was to end in the recognition of equal interests for employer and employed. By that law, the first trade council, that of Lyons, was established. It consisted of nine members, of whom five were "merchant-manufacturers," and four were elected from among the foremen. One-third of the council was to be annually renewed. A daily session from eleven to one o'clock was to be held by two members, one of each class, to hear complaints and undertake to reconcile the parties. Failing in that, the matter was to be deferred to the weekly meeting of the council, of which five members formed a quorum, and which was authorized to decide, without appeal to the courts of justice, matters involving sums up to sixty francs.

On June 11, 1809, a law was passed, authorizing the formation of trade councils wherever desirable, and making laborers in general eligible as members ; but stipulating that in no case the number of employees should be equal to that of employers. This was followed a year later by another law, still more specific and detailed ; and conferring jurisdiction over "matters which relate to the branch of industry which they [the parties] follow, and over contracts pertaining to the business." The members of each council were to take "an oath of obedience to the laws, of fidelity to the Emperor, and to fulfil their duty with zeal and integrity." Although the law imposed the limit of judgment without appeal at sixty francs, an imperial decree raised it to one hundred francs.

By the short-lived Republic of 1848 the trade councils were reorganized on the democratic basis of equal representation of capital and labor, with a curious form of election. Each class was to choose out of its own body three times as many candidates as it was entitled to members in the council ; and from these candidates the opposite class

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was to elect the members. However, as the foremen and bosses were to vote with the capitalists, that is, help elect the labor members, this law in fact gave a slight preponderance to the workingmen. The Second Empire made short work of this victory ; requiring, in 1853, the manufacturers and workingmen, respectively, to elect their own members directly, and placing at the head of each council a president and a vice-president named at will by the Emperor. Furthermore, the power of dissolution was reserved to the Emperor, while judgments without appeal were authorized up to two hundred francs. In 1880 the Third Republic reëstablished the election of president and vice-president, and required them to be of different interests. Another provision of the same law permitted for the first time the members to accept pay for the time devoted to the council. Theretofore, the refusal of either side to elect involved the very existence of the council. But the law of 1884 provided a remedy for such a contingency, by authorizing a half, to act as the whole, council, in case no more members, that is, if the representatives of one interest only, had been elected.

As a corollary to the laws regulating trade councils should be mentioned the law of December 27, 1892, which instituted a method for attempting reconciliation where collective interests were at stake—where the interruption of work was threatened or a strike had been already declared. In case of a labor dispute either party may appeal to a neighboring justice of the peace and request the formation of a Committee of Reconciliation ; naming at the same time not more than five persons to represent that interest. If the other party accepts the committee is formed, and its deliberations are presided over by the justice of the peace. Failing to bring about a reconciliation a Council of Arbitration is in order. But all this must be left to the initiative of the parties interested. However, when a strike has been declared the justice of the peace may inaugurate a movement toward an understanding, and request the parties interested to take advantage of the provisions of the law. The communes are required to furnish, free of charge, room, light, and heat, for these meetings, while the departments pay the other necessary expenses. Women are eligible as members of the committee or council ; and all the documents are free of stamp duty. This law has met with great favor ; and its provisions are constantly being called into requisition.

In these days, when even the brute creation is under the protection of the law, and when strong men demand eight hours for daily recreation, it is difficult for us to realize what was the condition of the labor

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market a century ago. More eloquent than pages of detailed misery is the fact that up to 1841, the only legal protection accorded working children was a law of 1813 forbidding those under ten years of age to enter or work in mines. Even in 1841 the ideas of humaneness were so little advanced that the law applied only to factories "with a mechanical motor or continuous fire," and to all employing more than twenty persons, and placed the minimum age of employment at eight years. Children from eight to twelve years of age may not work more than eight hours, with an interval of rest; those from twelve to sixteen were permitted to work twelve hours daily. For children under thirteen, night-work was forbidden; while for those from thirteen to sixteen, two hours of night-work must count as three. Moreover, the Government was authorized "to prevent all bad treatment and abusive punishment of the children," and "to assure the conditions of healthfulness and security necessary to the life and safety of the children." Inspectors were provided in order to insure obedience to the law.

Thus was virtually inaugurated governmental protection of labor in shops and factories—a modest beginning, whose authors had but little idea of the development which half a century would show. Ten years later masters were required to act toward their apprentices "as good fathers;" the hours of work for children under fourteen years of age were limited to ten; and all night-work, as well as work on Sundays and legal holidays, was forbidden for those under sixteen. In addition, children under sixteen who did not know how to "read, write, and count" must be allowed time, not exceeding two hours per day, for instruction. Interest in the subject increased; and, in 1868, a commission was formed for the study of legislation on child-labor; but no new move of importance in this field was made until the law of May 19, 1874.

With this law a new factor came into French legislation; namely, the special protection of working girls and women. Thus, at sixteen boys might be employed at night-work, while girls were to be protected therefrom until twenty-one; the same distinction was made as to Sunday work; and, still more important, all underground work, of whatever description, was forbidden, not only for girls, but for women as well. Also in the requirements of sanitation this law made notable advances over its predecessors; organizing an extensive system of inspection, whose prerogatives have since been largely increased. In the following year appeared a law regulating more in detail the labor of

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boys in mines; specifying, furthermore, certain kinds of factories where child-labor was forbidden, or permitted under particularized conditions only. Since then the list of such establishments has received frequent additions.

The protecting hand of the law was still further extended in 1892, increasing the limit of age, decreasing the hours per day of child-labor, and for the first time applying regulations to all kinds of labor. Children under twelve years were now exempted from labor, and, at that age, were permitted to work only if provided with certificates of primary education and of "physical aptitude." For boys under sixteen and girls under eighteen the limit of a day's work was placed at ten hours. Girls and women were protected not only from underground work, but also from night-work, with certain specified exceptions; and they were, moreover, to have at least one day free in seven, though not necessarily Sunday. By this law women were to become labor inspectors; and the system of inspection was still further improved. With the law of 1892 the Third Republic may be congratulated on having systematized the protection of its children and women with a fostering care, such as never even entered into the dreams of the gallant monarchs who have ruled over France.

From the protection of women and children to that of all workers appears a most natural step; but it was one which was taken late by the French lawmakers. The law of 1810, regarding factories producing obnoxious or unhealthy odors, considered only the comfort of the neighborhood. Even the law of 1880 requiring the periodical inspection of boilers may be looked upon as intended as much for the safety of property as of human life. But with 1890—the law of July 8—came a decided change, regulating in detail the semi-monthly inspection of mines, "with the sole object of examining the conditions of security for the employees." Two years later a series of decrees regulated the inspection of quarries. Next, the law of June 12, 1893, empowered the administrative authorities to issue rules, in consonance with modern ideas of hygiene, for the health and protection of laborers; specifying lighting, ventilation, drinking-water, water-closets, the carrying off of dust and fumes, fire-escapes, etc. Armed with this authority the Government, March 10, 1894, issued a decree with minute regulations relating to ventilation, disinfection, coat- and wash-rooms, the cleaning of walls and floors, the guarding of approaches to machines, etc. The passing of meal-time in the work-rooms was forbidden. Indeed, the work-rooms were to be vacated

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during that time and the air entirely changed. These laws are by no means dead letters ; and, though admittedly neither the Government nor the employers perfectly fulfil their requirements, excellent results have been achieved thereby. Not to mention mines and quarries, there were made, in the year 1897, inspections in 125,775 factories, employing 1,755,351 persons, of whom 718,909 were women and children ; and some 3,000 cases of failure to comply with the law were noted.

One of the very long-standing grievances of the French laboring classes was the *livret*, or booklet. An instrument of petty tyranny and exasperating arbitrariness, on the one hand, and of numberless complaints and bitter denunciation, on the other, the workingman's booklet continued until very recently to gall his spirit of independence and to wound his self-respect. Instituted under Louis XV even the Revolution failed to give relief from this annoyance ; and the government of the first Napoleon punished as a vagabond any travelling workman not having his booklet in form, with the proper discharge from his last employer, and with the *visé* of the mayor or his deputy, as to destination.

The law of Napoleon III was regarded as inflicting a still deeper ignominy, in forcing the booklet on women workers. Furthermore, it punished any infraction with a fine of from one to five francs, and with imprisonment for as many days. A laborer detected with a booklet not his own, or with a false name, was liable to imprisonment for from three months to one year. Moreover, he was obliged to present his booklet at any and every demand " of the agents of authority ; " nor dared he travel without a *visé*, which was accorded only once a year, except when he was sent on work. The day of liberation, however, finally came, with the law of July 22, 1890, which abolished the booklet ; placed the laborer under the common law, free to make his contract as best he could ; and permitted him to travel when and where he chose, under no more legal restraint than the capitalist. In addition, a law of 1895 protects nine-tenths of his wages from legal attachment, except in the case of debts for food ; and forbids the retaining of wages due, except for specified causes. Meantime, the state has been occupied in preparing education for his children ; adding manual instruction to primary education in 1880. Primary education was rendered obligatory from the age of six to thirteen years, in 1882 ; and in 1893 even technical education was declared free to all.

Though the laws were often unjust toward the masses, it was early recognized that there should be a method by which the poor might ob-

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tain, free of charge, such justice as the law accorded them. In 1789 a bill in the Constituent Assembly proclaimed the principle of free justice; while a law of 1790 organized "boards of peace and reconciliation," and authorized them to act as "boards of charitable jurisprudence." Under the Empire, a Board of Free Legal Consultation was organized, to hold weekly meetings. The system has since been greatly developed and perfected; and only a few months ago, June 7, the Board of Legal Assistance, attached to the Paris Court of Appeals, had its membership increased from fourteen to twenty-one, and was divided into three sections in place of two, as theretofore. By a law of July 20, 1891, provision was made for the organization of a Labor Bureau, *Office du travail*, whose work is of excellent character.

Of very much later development was the idea of free medical assistance, which was finally placed on a good working basis by a law of July 15, 1893, whose benefits are every year a greater boon to the indigent classes. The expenses thereof are variously divided among the communes, the departments, and the state; but the organization is not yet perfected. The latest report, that for 1896, shows the treatment of 1,473,562 persons, of whom 419,091 were cared for in their own homes; and the total expenses amounted to nearly 13,000,000 francs. In the light of such facts it is surprising that France has as yet done almost nothing in the matter of free baths; and comments are numerous on the lack of cleanliness among the people. In 1892 a beginning was made at Bordeaux with cheap, that is, three-cent douche-baths; and the work has since prospered and extended. On March 10, 1898, it was decided to erect four-cent douches at Paris. A few weeks later, April 30, was founded the first free-school bath in France, that in the charitable infant school of Caudéran, at Bordeaux, where many baths were given before the close of the year. Perhaps such matters may appear outside the range of our subject; but they are so important in the life of the masses, that a place could not well be refused them here.

There still remains one subject, or rather a series of related subjects, of prime importance to the toiling masses—to the millions whom ignorance, lack of foresight, or fate has condemned to live from hand to mouth. This is the question of insurance. With the tremendous increase of machinery accidents have become more numerous, work has become more arduous, and the nervous strain severer. Hence injuries are more frequent; also deaths in the midst of strength, leaving helpless widows and orphans; and the feebleness of old age arrives all too soon. It is a curious fact that the beginning of progressive legisla-

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tion in this field was the work of the weak, wrangling Legislative Assembly, which prepared the way for Napoleon III to the throne.

On July 15, 1850, a law was passed authorizing mutual insurance societies to provide temporary help to their members in case of disease, wounds, or infirmities, and also to pay funeral expenses in case of death; but it was expressly forbidden to pay pensions or annuities. All society funds over 3,000 francs were to be deposited with the Government, which guaranteed 4½ per cent interest. However, the idea of old-age pensions was taking root; and, in 1861, it bore its first fruit, in a law which permitted the establishment of life annuities limited to 1,000 francs. This matter of laborers' insurance was one in which the Emperor took a personal interest; and in 1868 he suggested a law which was unanimously adopted, and which provided for pensions in cases of permanent injury, as well as for the families in case of death. A limit of 3,000 francs per person was fixed, of which up to 600 francs was unattachable; and collective insurance by railroad companies, mutual aid societies, etc., was admitted, with a limit of 1,000 francs per head; while the interest on premiums was reduced to 4 per cent.

By the successive administrations of the Third Republic the law of insurance for workingmen has been much further developed. The year 1883 was marked by a law requiring the insurance of all railroad employees, to which the Government promised to contribute. Then, by a law of 1886, premiums on old-age pensions were reduced to a possible minimum of one franc, and payments could commence when the individual for whose benefit they were made was three years old; while the time of enjoying the pension was to begin between fifty and sixty-five, at the choice of the depositor. Four years later insurance was made obligatory for miners, for which as much as 2 per cent of their wages might be retained. The proprietors were to contribute half as much; but salaries above 2,400 francs a year were not to benefit by the law for more than that sum. There already existed in the mining regions numerous voluntary organizations for insurance, many of which were reconstituted in accordance with the provisions of the law of June 24, 1894. At the end of 1897 the official reports showed the existence of 190 societies working under this law, with 158,770 participants. The yearly receipts amounted to 5,146,830 francs. The sum of 4,677,279 francs was paid out, principally in aid of sick and injured miners.

The right of association, granted by the law of 1884, has been utilized by the laborers for many purposes, aside from the primary ones of

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fixing wages and hours of daily work. Some idea of the activities of the working people, in this respect, may be gained from the fact that on July 1, 1897, they possessed, independently of the Government or their employers, 330 mutual aid societies, 32 pension societies, 7 accident insurance societies, and 128 out-of-work aid associations.

From 1880 obligatory insurance of laborers against injuries received in the course of their work was frequently under consideration in the French parliament; and the law was not finally passed and promulgated until April 9, 1898. It was to go into effect June 1, 1899; but a law of May 24, 1899, authorized the delay of its application, which finally took place on July 1. Under this law employers must insure their laborers against accident, who were to receive a pension equal to two-thirds of their usual wages, in case of permanent incapacity caused thereby; minor injuries were insured in proportion; provision was made for certain pensions for widows and children, in case of death. An additional law was promulgated June 30, 1899, extending the provisions of the law of April 9, 1898, to "accidents caused by the employment of agricultural machines run by inanimate motors." The details of the law are elaborate; and the burdens imposed on the employer are so heavy that numbers threaten to retire from business; while some of the details are unacceptable to the laborers themselves. Doubtless, changes will be made. But the principle of employers' responsibility for accidents has been recognized; and while popular government continues in France it is hardly possible that it will be retracted.

After such a review of French labor legislation it may be fittingly asked, What has the workingman gained in a century? And it may be truthfully answered: He has passed from legal serfdom to theoretical freedom, from wretchedness to comparative comfort, from dense ignorance to the basis of knowledge, from helpless dissociation to the strength of union—in a word, from hopeless misery to hopeful progress. In spite of political confusion, communistic uprisings, bloody revolutions, and devastating invasions, the nineteenth century has effected for the masses of the nation wonderful progress in comfort, influence, and intelligence. It has finally placed disabled workers on a footing with disabled soldiers. And, at the dawn of the twentieth century the Third Republic will almost, if not quite, have realized the vain promise of the First; assuring to every French citizen his property, his pay, or his pension.

WALTER B. SCAIFE.

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THE PASSING OF THE FOUR-YEAR PERIOD.

It is not my purpose to put forward in this article set arguments in favor of the reduction of the collegiate course from four to three years, but, rather, to discuss the subject in a dispassionate way, much as I imagine will be done by the future historian of education in America. I shall merely call attention to those facts in the past that have brought about the state of things in which we find ourselves to-day; show the real character of the concessions we have already made; and state briefly what I believe the future has in store for us.

In early days our colleges had quite different aims from those they now entertain. They were places for the education of young men who were preparing for the ministry, and to be the intellectual as well as the moral leaders of their respective communities. The college of to-day aims to give our sons and daughters a liberal education; no matter what is to be their walk in life. The college that had in view the older aim would be an ineffectual means of accomplishing the modern purpose. As this has become more and more evident, the old college has gradually changed. Methods of life, discipline, and instruction have been modified; new lines of study have been introduced; and more or less liberty of choice has been granted; so that the college of to-day is quite a different thing from the college of a hundred years ago.

These changes did not, however, come about suddenly or without resistance. Something of the spirit of monasticism has always clung to college halls and to the study of the professor. Many of the inmates of the colleges held on as long as they could to "the good old ways;" striving to keep out the great outside world and the innovations that it sought to introduce. There were not wanting in the colleges those who realized that conditions were changing, and who urged that concessions be made to the demands of the times; but these the conservative element branded as traitors to the cause of education.

When concessions were ultimately made, they more often took the form of the admission of the new than that of the expulsion of the old. There were two ways in which this could be done: first, the student could be required to take the new as well as the old; or, second, he

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might be given his choice between the two. Both methods were adopted. The second led to the offering of various new courses of study and to the establishment of the principle of liberty of election. The other method resulted in increasing the burden that was put upon the student. But this could not be done with impunity ; for only the best prepared students were able to carry the additional load. Consequently, the solution of the problem was found in demanding better preparation ; that is, in raising the requirements of admission. This simply shifted the problem to the schools, which, in their turn, were obliged to wrestle with it.

To these schools two methods were open : first, improved methods of instruction, with the aim of economizing the time of the pupil ; second, the retention of the pupil until he should be able to meet the higher demands made upon him. Again both methods were adopted. To the first we can look for still greater results in the future. The second leads inevitably to the lengthening of the school days of the boy, therefore, to the postponement of the time when he will receive his college diploma. The young man who, at the age of seventeen or eighteen, has completed a good high-school course does not look forward with a keen appetite to four years more of general education before he can direct his attention to what is to be his sphere in life. In the great majority of cases he determines to be content with the education he has, calls the high school "the people's college," and turns a cold shoulder to the real thing.

Of those who do undertake a college course over 50 per cent are forced to give it up by the end of the second year. The attempt has recently been made to disprove this by showing that, taking the country as a whole, the number of college students has increased more rapidly than the increase in population would lead us to expect. A moment's thought will, however, make it clear that we cannot make this prove that it is getting easier for boys in general to attend college, and that they are doing so in greater numbers. We must remember that a very large part of our country is just passing out of its infancy, and that very few of the fathers of the boys now in college ever went to college themselves—to say nothing of their pioneer grandfathers. In certain sections of our country the statistics of the last fifty years show an increase of college students which often runs in a few years from zero to several hundred. To mingle the normal statistics drawn from the long-settled portions of the country with such statistics as these, is, of course, wholly unwarranted, and can serve only to mislead the unwary.

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Before leaving this phase of the subject it should be observed, that many of our colleges were not able to impose upon the school, but had to solve the problem chiefly by reducing the amount of Greek, Latin, and mathematics, and by offering only brief courses in the newer subjects. In these colleges, really the majority, the condition is more normal. The graduate of one of our better high schools can enter the sophomore class of such a college, and complete his undergraduate course in three years.

As in the life of a man, so in that of a college, there is not only one current, but there are several; though two or more may lead to the same goal. Our American colleges were importations from England; yet the training schools of our professors were not the English colleges, but the German universities. Returning from a course of study in Germany, it was natural that these men should have regarded our higher institutions of learning as younger sisters of those at Göttingen, Leipzig, and Berlin. They introduced German ideas and methods, and tried to develop our colleges into something like German universities. This was made possible by the liberty of election already mentioned. In this way there was introduced into our colleges much of that class of instruction and study that may be properly designated as university work. It exists side by side with the more elementary college work; and the student who is doing one kind of work with one professor is often trying to do the other kind with another.

We have no longer a true college, an institution that gives a liberal education; nor have we a true university, in which the specialist can receive complete instruction of the highest kind. At the end of his fourth year of residence at one of our higher institutions of learning the graduate has had a certain amount of real university work; and, like his schoolmate who contented himself with his "college of the people," he fancies he has had a university education, and is not tempted by the offer of a three-year extension of it, in the form of a graduate course. In other words, the hybrid college-university is hindering the development of the true university.

Let us summarize the two lines of our thought. We have so extended the course of liberal education, that, instead of supplying the wants of the people, we have put it out of the reach of all but a very small percentage of the population; and, in our desire to hold as long as we can those who do come to us, we make it difficult for any of them to stay with us for the satisfactory prosecution of real graduate work and the upbuilding of a true university. These are the chief difficulties of the

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situation, to which we are by no means all blind. Able men, like President Eliot, have repeatedly called attention to the wrong that is being done the young men of the country, and to the danger that threatens our higher institutions of learning if we persist in our present course. But such appeals fall far too often on deaf ears. If the danger appears more or less remote and does not assume a form that is very clear and immediate, the conservatism of the school and the sluggishness of human nature combine to postpone action and to clog the wheels of progress.

In some cases, however, the facts have come home to us in a way that has forced us to action. We have seen that, owing to the vast increase in the amount of knowledge which is necessary to teach the young, and to the fact that the teaching body has been loath to give up any of that which once made up the bulk of what was taught, the school and college days of our youth have been extended. The extension of the world's knowledge has affected not only general education; but, in much the same way, it has greatly increased the time needed for professional training. The extent of the change may be seen from the fact that when I was a student at the University of Michigan a course in medicine consisted of two terms of six months each; while it now consists of four terms of nine months each, or thirty-six months in place of twelve.

It takes but little figuring to show that few can afford to take a four-year high-school course, a four-year college course, and then an extended professional course. This phase of the situation has been met, in a large number of our leading institutions, by granting the professional student the privilege of dropping his humanistic studies at the end of his junior year, and giving him his bachelor's diploma on the completion of the first year of his professional study. In other words, he is permitted so to arrange his work as to receive credit for it in both departments. So far, then, as these students are concerned, the old position has been given up, and the three-year course already exists. The fact that this is not recognized in words is of little account: we are concerned with realities, not with names.

When this concession to professional students was first urged by the more liberal element of the faculty of the collegiate department, it was strenuously opposed by the conservative minority. The latter pointed out that it was virtually the adoption of a three-year course, so far as these students were concerned; that it was "the entering wedge;" and that in a few years, a three-year collegiate course

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would be placed within the reach of all. Now that the concession has been made, it is interesting to observe their change of front. They insist that the concession to professional students has nothing to do with a three-year course; that there is only "a natural and proper blending of the general with the more technical education in the fourth year." They even assert that, as the bachelor's degree is not given until the end of the fourth year—that is, the first year of professional study—it is the professional school rather than the collegiate department that has shortened its course. Well may men sneer at the sophistry of college professors, and smile at the satisfaction with which they glory in the retention of the empty name after they have given up the substance! But this is not all. The beneficial results of our action in the case of the professional student are being used as an argument against the need of the very thing that we have done. Since we have permitted professional students to get off with three years of general collegiate education, more of them take a bachelor's degree; thus helping to increase the number of professional students holding such a degree. And this increase[1] is actually cited as evidence that the shortening of the undergraduate course is not necessary.

We may be dissatisfied with the character of the concession that has been made. We can justly call it cowardly, underhanded, and unfair; for the college yields only where it fears direct consequences, grants to one class of men what it denies to others equally deserving of consideration, and strives to conceal its real nature by a veil of words. Nevertheless, the essential character of the change cannot be covered up, and its importance must not be underestimated. When it was made the real battle had been fought; and the upholders of a four-year course of general collegiate education had lost the day.

Now that the authorities of the literary, or arts, department have made this concession to professional students, they cannot long remain blind to the fact that they are thereby giving their students a bribe to enter a professional school, rather than remain in the literary, or arts, department and take a graduate course there. The only way around this difficulty lies in granting the privilege also to students who desire to become candidates for higher degrees in the graduate school. And this very step has already been taken by some of the best of our higher

[1] An examination of the lists of students in professional schools will show, that the vast majority of those who hold the bachelor's degree got it by such an arrangement as this, or received it from a college whose senior year corresponds to the junior year of the better colleges.

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institutions of learning. For example, in the University of Michigan any undergraduate, at the end of the second or third year of his residence, provided he has done the normal amount of work, including all required work, may devote himself to a major and two minor studies, exactly as though he were a graduate student. While he generally does not receive his bachelor's degree until the end of his fourth year, the fourth year's study is allowed to count as one of the three years usually required for the attainment of the doctor's degree. Indeed, the University Calendar for 1897–98 states :

> "The period of three years, however, may be shortened in the case of students who, as undergraduates, have pursued special studies in the direction of their proposed graduate work."

That is, the student who is looking forward to the doctor's degree spends three years on his undergraduate, and three years on his graduate, work. The only point wherein he is served otherwise than he should be is, that he is required to wait for his bachelor's degree until he has finished the first year of his graduate work.

Virtually, then, we are keeping up the four-year period for those students only who do not intend to take up graduate work or to enter one of the professional schools. As I have said, it is easy to show that this distinction is unjust and unwarranted. We have no right to say that a man who does not choose to follow one of a number of paths in life should or must be given a larger amount of general education than one who does. However, step by step, the problem is working out its own solution. Certain schemes are already under consideration that will probably be realized before the century is out. Undergraduates will not only be permitted to enter upon the so-called "university system" referred to above ; they will be encouraged to do so. The normal period of study for the doctorate is three years, and that for the mastership one year. We have seen that the university accepts in lieu of one of the three years required of candidates for the doctorate one year of similar work done before receiving the bachelor's degree. Now, if this one year's work done on the university system is fit to be accepted as one year's work toward the doctor's degree, it is surely fit to be accepted for a like amount toward the master's degree. We cannot long refuse to give equal credit in the two cases. The step we have taken in the one must also be taken in the other ; that is, a student who has spent three years of his college course in general studies, and at the end of the fourth year can pass satisfactory examinations on

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work along special lines, deserves of us the master's degree; and this demand will soon be met. After this has been the practice for a few years, the granting of the bachelor's degree at the end of three years of general collegiate work will be regarded as a matter of course, and will arouse little comment.

As we have seen, it is a mistake to suppose that the entire problem still remains to be solved. It has been already more than half solved. Though the number of persons affected thus far by the concessions is not great, the principle has been conceded, and the application of it to all cases is only a matter of time. In this, as in other movements, certain institutions have taken the lead and their influence has led others to follow, or even to go further. But we must not look for uniformity here any more than elsewhere. Conditions are not the same everywhere, and the concessions made will vary accordingly. In some institutions the change will come gradually, in others with a leap. Moreover, the contemplated shortening of the undergraduate period applies only to those institutions that have unduly raised their entrance requirements. A large proportion of our colleges have lower requirements and bring their graduates to about the point reached by the students of the best colleges at the end of the third year. These weaker institutions, as I pointed out in an article in the "Educational Review," for December, 1897, will not reduce their undergraduate course, but will designate their present freshman work as merely preparatory. All such diversity in details must, however, not blind us to the fact that a great change is going on, which is not likely to cease until our institutions have adapted themselves to the conditions that brought it about.

That the change will be of advantage to the individual young man or young woman who desires to get a liberal education, before entering upon the special training required for his or her calling in life, has been shown over and over again. In the article referred to above I showed that the change will also be of great advantage to our institutions of learning, in (1) that it will increase the number of students doing real graduate work, and that such students will go to the larger graduate schools and thus build up real universities; and (2) that it will make of the remaining institutions real colleges of a fairly uniform grade. There can be no doubt that a division of our infinitely varied higher institutions of learning into these two classes would be one of the greatest boons that could fall to the lot of education in this country.

GEORGE HEMPL.

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SOCIAL PROGRESS AND RACE DEGENERATION.

In an interesting passage in one of Darwin's great books he combats the idea that his theory of natural selection must lead us to look on nature as cruel, or to think of the life of animals as one of continual suffering. It is true, he argues, that usually but one out of scores, in some cases only one out of thousands, of the young of any species reaches maturity. Some are destroyed by famine, most of them by enemies. Yet, in general, they know little of the tortures either of hunger or of fear. Death comes quickly and in general painlessly; whereas the living are maintained at the very maximum of health and vigor by natural selection of the best. The perfect joy of living is theirs in the fullest degree.

There is an undoubted truth in this view, though it may be too roseate. We can at least say that the fight with tooth and claw is not all bad, even for the individual. For the species, for organized life as a whole, it was one of the greatest of the causes of progress. Life is scattered throughout the world in such abundance that only a small proportion can survive to maturity. This was the fact first strongly stated, if not first seen, by Malthus and other writers on economics. It was later made by Darwin the very starting point of his theory of evolution. What Malthus saw was that the superfluous individuals must be crowded out. What Darwin saw was that it was by the survival of the strongest, the most cunning, those best fitted to meet the difficulties of their surroundings, that the general average of muscle, brain, and organization had constantly risen in the animal kingdom.

This is, however, only a partial view of the subject. The other, by no means ignored by Darwin, is in apparent contradiction to it. Even in the earlier stages of animal evolution another influence is present. In low forms of life begins the sacrifice of parent for offspring; then comes combination instead of conflict between creatures of the same species; and the growth of sympathies and finer sentiments is shown in its highest form in the evolution of society. Sacrifice favors better than unmodified selfishness the survival of the species. Combination favors progress better than competition alone. Sympathy and benevo-

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lence are indispensable to the development of social institutions above the grade of savagery.

Those who love a paradox can find one here. Those whose mode of thought is to grasp at an extreme principle, failing to see its limitations, have here a wide field for argument. Indeed, a good share of current discussion on social questions consists in the sharp contrasting of these two principles of progress, and in the maintaining by the debaters that either the one principle or the other, applied exclusively, will solve all political and social problems. Yet it is clear to every more careful student that progress has resulted not from the exclusive working of either principle, but from the uniting and harmonizing of the two, in proportions ever changing according to the particular need of the time. At one period the further limiting of the struggle between individuals may be most favorable to progress ; carried too far, the protection of the weak may have exactly the opposite effect.

The purpose of this article is to apply to some problems of our own day these general principles, thus briefly stated. The social progress of modern times consists, in large part : first, in inventions and scientific methods by which the weaker individual is shielded from the penalties of his weakness ; and, second, in the growth of benevolent sentiments and agencies to insure further the same result. Yet, the stronger these agencies become the more futile, in some regards, do they appear. Why is it that pain, mental weakness, physical deformity, "the thousand natural shocks that flesh is heir to," cannot be, or at any rate have not been, banished by the skill and knowledge of man? Why is it that though we seem for a moment to put an end to these evils the supply is ever created anew? These are questions which often disturb the workers for humanity's welfare. The firmest believer in progress knows that they must be answered right, if all our social theories and efforts are, in the end, to be anything better than the buzzing of the fly against the window-pane.

In early stages of society the struggle for survival among competing tribes is intense. The birth-rate among savages is generally high, and necessarily so if the number of the tribe is to be undiminished. The conditions surrounding the infant savage are such that no weakling can long survive. On the march the sickly and feebler members of the tribe are often abandoned. Only the more capable of the men can found and maintain a family. All of these influences and many others tend to raise the average physical condition of such communities to a high standard. Excepting in the cases where epidemics have been in-

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troduced by civilized men bringing with them new species of microbes, all travellers report a remarkable freedom from disease among savages, and the general absence of physical deformities and defective senses. This is just what we should expect to find under the conditions. Circumstances developed the acute senses and marvellously accurate powers of movement that remain as the heritage of the more perfect specimens of the human race.

In every larger society have come, with the growth of industrial arts and the resulting increase of wealth, a number of influences less favorable to health and vigor. For example, in the middle ages the Church, appealing as it did to the ablest intellects and noblest natures, drew within the sterile walls of monasteries and cloisters tens of thousands of those best fitted to be the parents of succeeding generations. Indiscriminate charity maintained and fostered the inefficient and defective. Yet, compared with what we are accustomed to see, the elimination of the weak and incapable must still have been sweeping. The conditions of life for the great mass of men were very severe. Epidemics and famines frequently ravaged every country of Europe; destroying at times as much as one-third or one-half of the population. It is known certainly that the poorer classes suffered far more severely than the higher social classes at such times. When even the strongest and richest lacked food, those industrially least capable must have been almost annihilated. Improved means of transportation have—only within the past century, however—nearly banished famines from the more advanced countries. Thus has been removed a most powerful agent in the destruction of the weaker members of society.

Modern medicine is working powerfully in the same direction. The crude empiricism of former centuries afforded little help against disease; and there is no doubt that in many cases it hastened the death of the patients. The skilled physician of to-day, with a knowledge gained from the closest study of nature's methods, nourishes in every way the flagging powers of the body, and supports them, in many cases, until past the point of danger. A large proportion of our population, thus enabled to arrive at maturity, and to transmit the same defects to another generation, would have been too weak to survive the period of childhood in ruder times. The fact that the death-rate among the rich is smaller than that among the poor before the age of fifteen, but is followed by a higher rate after that age, shows that, though life is prolonged, increased vitality is not insured by medical science.

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Along with better clothing and housing and the varied comforts made possible by material progress have gone unprecedented improvements in hygienic science and sanitary methods. The easier conditions thus created make it possible for millions to survive that would have perished in the old surroundings. The immediate benefits are great, but there is no escaping the other result—a weakening of the power of resistance to disease in the succeeding generation. The bacteriologist tells us that the various fevers and infectious diseases are caused by the attack of an army of microscopic organisms. In the systems of persons thus attacked a battle is waged ; a police force or standing army of other microbes endeavoring to beat off the invaders. Some constitutions are able to resist certain germs without the aid of artificial means, even without any special favoring conditions ; and the indications are that this capacity is hereditarily transmitted.

As a result of long selection, the East Indian and negro tribes pass unscathed in tropical conditions where Europeans rarely escape mortal attack. Exposed for a number of generations to the same conditions the northern races would, at the price of a great mortality, constantly increase their power of resistance to those diseases. Conversely, suspend the selective process and that power is weakened. Each generation, becoming wiser in the art of meeting and defeating the microbes with artificial means, becomes, at the same time, less able to resist their attacks by the unaided powers of nature. This is the modern reading of the old proverb : "Each generation is weaker and wiser than its fathers." Surgery can boast achievements even more wonderful than those of medicine. Defects that would formerly have ended the life of the sufferer are now painlessly removed. It appears, however, that the predisposition to defects not the result of accident is transmitted to all descendants. Each generation of surgeons, physicians, and sanitary engineers thus contributes to increase the clientage of its successors.

The optician and the oculist are more and more coming to the aid of defective vision. The savage who suffered from short-sightedness suffered also from hunger. A keen eye is needed by the hunter. In countless cases death must have been the result of even a slight defect of the senses, at a time when a severe winter or an unusual scarcity of game increased the stress of life in a hunting tribe. But to-day, with a newly ground pair of glasses, the astigmatic workman can earn his livelihood with little if any disadvantage. It is not long since it was very exceptional, and certainly was deemed very undesirable, for a

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young person to wear glasses. Now it excites no remark, unless it be one of admiration for the distinguished air and scholarly appearance imparted by the rimless eye-glasses to the still youthful victim of myopic vision. There is scarcely one of us who can boast of perfect eyes. By tacit agreement—for we are charitable to the faults we ourselves possess—this is no longer considered a defect. We have altered our ideals; and were Venus and Apollo to be carved to-day, it would be with spectacles astride their Grecian noses. The principle of natural selection is only slightly applied now to keeping up the average of good vision.

American dentists are world-renowned for their skill in the treatment of the teeth. They accomplish wonderful results in concealing the defects of nature, the results of accident, and the ravages of time. If they be considered merely as the agents of æsthetic taste the world's debt to them is very great. But, in fact, our æsthetic judgment has altered, and perfect natural teeth are no longer essential to beauty; for the product of the dentist's skill rivals the best work of nature. Since defective teeth no longer interfere with digestion, business success, or matrimonial prospects, the selective principle has ceased to operate toward their elimination. A natural set of teeth remaining perfect until its owner has reached the prime of life has become extremely rare. A toothless race is a not distant possibility.

Another important influence that has been operating from the earliest stages of society is the gradually changing mode of warfare. In the hand-to-hand fights of tribe with tribe, in which every adult male took part, physical superiority and personal prowess determined the victory. The weaker were destroyed. But as, century by century, industrial institutions have developed, and a nation's fighting has come to be done by a special force of men, a selective process of the reverse order has been introduced. The able-bodied are selected for danger, while the weaker remain at home. In the enlistments for the Cuban war we have had a good illustration of this process. We read that at the recruiting camps not only were bandy-legged, narrow-chested, and corpulent volunteers rejected, but scars, sprains, imperfect heart-action, and even corns were unpardonable defects, in the minds of the recruiting officers. Even when much easier requirements are enforced, a long and destructive war must exert a tremendous influence in lowering the physical average of the community.

The standing armies of Europe exert an influence in this same direction, even in times of peace. In the best years of early manhood all

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able-bodied men must give two or three years to life in barracks and camp. Meantime, those physically less perfect escape this public burden, and, in the strong industrial competition of the present day, enjoy a pronounced advantage. Their very defects thus enable them to occupy the more favorable industrial positions, and to found families more easily than the soldier. The latter frequently finds that he has lost important opportunities of business or professional advancement, during his term of military service. The effect of national armies in Europe is thus to increase the average age at marriage of the soldier. This means that the race is being continued in greater proportion by the less perfect than by the more perfect physical representatives. The progress of civilization has not yet brought about the abolition of war; but it has succeeded in exactly reversing the influence that it once had in the elevation of the physical, and in some respects, we may also say, the intellectual, standard of the race.

In social activities and in the peaceful pursuits there are forces working in the same direction. The marriage customs of Europe, to some extent getting headway here, make the financial standing of the parties more important in marriage than their personal qualities. The cynicism on this subject, reflected in the picture of Gibson, is, unfortunately, too well founded. As we depart from the simpler conditions of the colonial and pioneer period in this country considerations of social relations, of family influence, and of other factors which may further the interest of the individual contracting the marriage are more and more allowed to enter into the prejudice of the interests of posterity.

Other influences working with greater force now than ever before are the higher age at marriage and the low birth-rate in the better social classes. In many savage tribes the earliness at which marriage is possible, the number of wives (polygamy being almost universal), and the number of children are much in proportion to the industrial ability and energy of the men. Even at a far later time, so long as life was still mainly agricultural, and property chiefly in the form of landed possessions, the sturdy middle classes had many descendants. The colonies of England have been largely founded and ruled by the younger sons of Briton's ablest families; and the numerous children of the most capable colonists of the Eastern States of America peopled the Western territories. Within the past century things have changed in this respect in all the more progressive nations, and chiefly in our own. It is still true of the poor, the unskilled laborers, the negroes, and many of the foreign-born, that their families are generally large; but the great

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decrease in the average size of families in the most intelligent and capable classes of America is little less than a national menace. In city life, with the crowded conditions that result even for those in average circumstances, the care and responsibility of children are much greater than was the case in village life, with its pure air and wide, natural playgrounds.

The increasing division of labor, which is one of the chief features of our industrial advance, has a complex influence on the size of families. Its effect is undoubtedly to place a premium on children among the poorer classes of factory districts; for machinery permits the employment of children at an early age, so that they often become a help instead of a financial burden to their parents. This result was observed on a large scale at the beginning of the industrial revolution, when the factory system was rapidly displacing the older system; and it is said to be now very marked among the French Canadians in the Massachusetts factory districts. This motive has been to a considerable extent removed by factory legislation against child labor. Such legislation had a different purpose; but the facts just mentioned are an added justification of it. In the higher artisan classes and business circles, where greater preparation and higher ability are required, the motives are strongly against a larger family. Parents in those classes are unwilling to let their children undertake the simple and menial tasks that are alone open to juvenile ability.

The old rural economy was so much more nearly self-sufficing than is the domestic economy of the city family, that there were many simple tasks that a boy or girl could do. Machines and a complex division of labor may, as their immediate effect, bring hardship to the least capable workmen, whose services they for a time, at least, make superfluous; but an ultimate effect no less evil is to create a strong economic motive for the limitation of the more capable families. It is a serious question, whether these social influences alone will not be sufficient, if not counteracted, to lower considerably within a few generations the average strength and mental capacity of the nation.

The opening of business and professions to women and the opportunities for independent careers thus offered to those of superior ability are in many respects a distinct social advance. But it is evident that any considerable extension of the custom must result in the lowering of the average intelligence and ability of the race, in so far as it tends to limit motherhood to the mediocre and inferior representatives of the sex.

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When we come to speak of the influence of philanthropy, it is of course with no implication that it is peculiar to the present. Found even in ancient pagan and barbarous societies, it has, for nearly two thousand years, been inculcated as a fundamental duty by Christianity. But the general spread of sympathy for the unfortunate within the present century has been no less remarkable than has been the growth in wealth and in the means of giving practical expression to that sympathy. Never before has such ample provision been made for the care of the defective classes and for their protection against the bitterest consequences of their afflictions.

A human being is an elaborate and most delicate piece of mechanism, in which are harmoniously coöperating a multitude of parts and functions. A flaw in, or an imperfect development of, any one of its numerous parts, produces a defective organization. It is not surprising, then, that nature occasionally makes a failure, even when the hereditary influences are the most perfect. Feeble-minded children are sometimes born of intelligent parents. Such children had slight chance of survival in earlier times. At present there are single States of the Union with over ten thousand feeble-minded persons; and the Census reports that a hundred thousand are living in the United States. The actual number is estimated to be very much greater. Most of them are in receipt of public and private alms. They contribute much more than their proportion to the annual birth-rate. Many of the women are semi-nomads; inhabiting at times a jail, a poorhouse, or a hospital. Not only do they contribute alarmingly to the illegitimate birth-rate; but they are a source of corruption and demoralization in every community. It is demonstrated beyond a doubt that feeble-mindedness is hereditary. Our charity is sufficient to preserve and augment this undesirable element in the population. Our sciences and our inventions have not yet been able to abolish it.

Wonderful progress has been made in the methods of education for the blind and the deaf. Brought together into institutions and put under the instruction of specialists, there is imparted to these defectives a large measure of knowledge; many of them being made capable of self-support. Formerly their lot was the unfortunate one of isolation from all but their immediate family or of consignment to the almshouse. Now, at these schools, they form pleasant friendships, and often enduring attachments. The intermarriage of individuals with defective senses has thus become much more frequent. The formation of little colonies of the blind or the deaf-mutes is now not uncommon in

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cities. It is by no means certain that the children of such parents will be likewise affected; but the probability of this event is very much greater than where the parents are normal. There are those who fear, therefore, and with some reason, that the attempt to lighten the burden of these unfortunates will result in the formation of a blind and a deaf-mute variety of the human race.

The subject of the pauper is not so radically different from that of the defective classes as one might at first think. There are, it is true, many instances of misfortune that bring the once prosperous to a condition of want; but the vast majority of what we call the pauper class consists of those whose economic inefficiency is due to hereditary weakness of the body, the senses, or the mind. The comfortable defence of the man who declared that he was "born tired" is now recognized to have been scientifically sound. Laziness and shiftlessness are merely terms of description, in most cases, for constitutional weakness, or a nervous system that reacts sluggishly.

Poor-relief in modern civilized lands is directed almost entirely to making existence possible to the above-mentioned classes. They are at a tremendous disadvantage in the struggle for a living. It is not merely because of the so-called "fierce competition" with normal persons. Not only relatively to their fellows, but absolutely they are inefficient economic agents. Given control of good natural resources they would with difficulty secure a miserable livelihood. Their present scant earnings are eked out by public doles. They marry and intermarry. A large proportion of the paupers of every community are interrelated. They have many children. You can read on the books of the township trustee not infrequently the names of eight or ten in a family circle receiving public relief. Many of them are distinctly feeble-minded, or otherwise defective; and many others are but little removed from this condition. A very usual comment on the trustee's record is, "not bright," "has fits," "bad eyes," etc., etc. Despite a larger than ordinary death-rate such families probably contribute more than their proportion to the net increase of the population. At any rate, this is more likely true, since the decline has become so marked in the birth-rate of the more prosperous classes.

About twenty years ago a bridal party met in the clerk's room of the Monroe County Court House, in the State of Indiana. The principals were members of well-known pauper families. Just before the sacred knot was to be tied the bride concluded to transfer her affections to the "best man," much to the discomfiture of the bridegroom. It

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afforded much amusement to the bystanders; one of whom jokingly suggested to the bride's sister that if she would accept Lanky Brown, the discarded lover, a double wedding might be celebrated. And this charming social event immediately occurred. After eighteen years of miserable pauper existence, Lanky Brown died in surroundings of most abject misery—in a cave a few miles from the scene of the wedding. His wife and four surviving children huddled like wild animals about his dead body. None of them was of normal intelligence; all were incapable of fitting themselves into civilized institutions; and they wandered for months through the country, sleeping out of doors, begging for a livelihood. Certainly here was a load of suffering that had been put upon these people by the heedlessness of men and the shiftless methods of society. That marriage ought never have been formed; and these children, now a burden upon the taxpayers of the State, ought never have come into existence.

A feeble-minded man, heir to a little property, and under the guardianship of his brothers, who were of normal intelligence, lived a few miles from the city where the event just mentioned took place. He was married to a young woman of a pauper family in the neighborhood. She was herself of fair intelligence, above the average of her family, and said to be rather good-looking. They have now a numerous family. Three of the daughters are apparently normal; and one of them has contracted what is called "a good marriage" with a farmer of some property. The other children are defective in varying degrees; two of them being monstrosities. Cases of this sort are more numerous than is known by the general public. The growth of pauperism with the growth of wealth, so surprising to many, finds at least a partial explanation in such facts as these.

It is to be noted that in all the cases cited of the influence of science, invention, and charity, it is the ultimate or indirect working only that is evil. The immediate effect in all the cases cited is what we call good—the relief of suffering, the lengthening of life, the making possible of happiness to the afflicted or unfortunate. I have purposely avoided considering the very large class of cases where the immediate effect of our changing conditions is unfavorable to health and strength. Only those cases have been given—and the list is far from exhaustive—where the benefits of social progress are being neutralized by the race degeneration resulting from what the naturalists call "the suspension of the selective process."

The combined effect of these influences must be great. It is, of

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course, easy for the optimist to find proofs that the average of health and vigor is improving, not declining. The death-rate has been much reduced in all civilized lands during this century, and particularly in the last half of it. But we are at the point now where the immediate benefits are at a maximum. The evil results, only beginning to appear, must grow at an increasing rate, if counteracting forces are not set in motion. A self-satisfied feeling is possible only when a short-sighted view of the subject is taken.

It is not the purpose of this article to deal with the question of remedies, nor does space permit the attempt. Society cannot long postpone giving attention to some of the evils named. Progress has already been made in the formation of a sounder public opinion regarding some of them, in the enactment of better laws, and in the adoption of sounder methods. Thought and effort are being devoted to the subject by students and by practical workers. Some of the difficulties are of such a nature that no one ventures, as yet, to suggest a remedy. Many of them, however, can be avoided; and the most important step will have been taken when the public has come to realize more fully the nature of the problem. This it has been the purpose of the present article to set forth. The heedless self-gratulation of the present must be replaced by a far-sighted optimism. Life may be lengthened, disease cured, suffering relieved, and the good results be untainted with evil, if for the old brutal elimination of the unfit be substituted a rational and scientific process of selection. In devising and applying measures to this end doubtless great practical difficulties will be encountered. Nevertheless, we may confidently predict that the more intelligent sympathy of the future will demand that misery be not merely alleviated, but that it be no longer transmitted as a curse to posterity. Not till then can we reasonably hope that the general average of health, mental vigor, and happiness will be lifted higher with each succeeding generation. FRANK A. FETTER.

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THE RELATION OF ENGLAND TO THE TRANSVAAL IN INTERNATIONAL LAW.

Mr. Gilbert a'Beckett once remarked that the rights and liberties of Englishmen are "less understood than talked about, and less practically experienced than either." However it may be in England it seems that the rights of Englishmen in the Transvaal, although much talked about just now, are but little understood. Whether they are practically experienced in a proper degree is a disputed question.

The British Government thinks the Uitlanders ought to have more rights and liberties. The South African Republic is of the opinion that they have already as much of these as is good for them or for the republic. The English see a number of their fellow-countrymen in a strange land compelled to submit to the rule of a comparatively small number of Boers, whose ideas of government are considered somewhat primitive. These Uitlanders can obtain full citizenship in the Transvaal only after fourteen or fifteen years' residence, and after having complied with a number of requirements which render the full franchise almost inaccessible. There are many smaller annoyances, in connection with the high tariff, the dynamite monopoly, and the language employed in the schools, the courts, and the legislature. All these things have been arranged by the Boers, and they do not suit the Uitlanders. It is not pleasant for the British to contemplate such a state of affairs; and they are not to be blamed for wishing to see some amelioration of the lot of their countrymen in the Transvaal.

The Boers, however, look at the matter from quite a different point of view. For more than half a century they have been trying to get away from British rule. They are an agricultural and a pastoral people, whose chief wish is to be left to manage their own affairs, and who, for a generation, have been requesting the British Government to stand out of their sunlight. In the thirties the Boers trekked out of Cape Colony into the interior, that they might be able to live after their own fashion. But they could not escape from the shadow of the British

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flag; for, as they advanced into the interior, the English Government extended its boundaries to encompass them.

In 1852 they succeeded in obtaining an acknowledgment of their independence, and they set up their republic; but twenty-five years later it was annexed by Great Britain. The annexation was, however, the work of a minority, and in a few years the Boers threw off the yoke. After the battle of Majuba Hill, England gave the Transvaal an autonomous government. At the same time the Transvaal acknowledged the suzerainty of England; granting her certain rights of supervision in domestic affairs and also the control of the foreign policy. In 1884 this arrangement was modified by the Convention of London, which gave the Transvaal a greater amount of freedom and independence. The Boers were not left long in peace. Gold was discovered in the Transvaal, and people out of every nation flocked thither to enrich themselves. The Boers, who had wished to live a life of pastoral quietness and to tipple their ale in the shade, suddenly had greatness thrust upon them, and found themselves the "prospected" of all prospectors. Here was a veritable *embarras de richesse*. Although the gold filled the coffers of the state to overflowing, it has nearly cost the Boers their national existence. The gold-seekers have poured into the country until now they outnumber the Boers by nearly three to one. The ship of state has taken aboard a lot of miscellaneous passengers who desire to seize the helm and, ultimately, to hoist their own colors over the craft.

The object which Jameson tried to effect by force, the Uitlanders are now trying to achieve by more pacific means. They demand that the franchise for the first Raad be made more accessible, and that the seats be so distributed as to give the mining districts larger representation. To grant this would be simply, as Major O'Gorman once said in the House of Commons, "to open the door to the thin edge of the wedge." The Boers can no longer trek into the interior. They stand at bay. If they wish to preserve their institutions they must take precautions to preserve the franchise from the grasp of foreign and transient "diggers," whose principal stake in the country is the gold they can get out of it. There may be a few Uitlanders who really intend to live permanently in South Africa; but, in general, they are birds of passage. Mining camps are not, in any country, usually considered as sources of political wisdom. Moreover, a dark suspicion haunts the Boerish mind. To what base uses may not these miners be put? The mines are controlled by a few large corporations. Why may not the

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corporations control the votes of the miners and thus control the state itself? The Boers have no desire to hand over the country to the British South African Company.

The franchise is the first and principal question. No one can condemn the British for wishing to obtain that privilege, if proper means be used; but at the same time no one can justly blame the Boers for wishing to withhold it. The other questions are all subsidiary. The British naturally wish to introduce English into the courts, the schools, and the legislature. This is a slow but sure way of conquering a country. The Boers, on the other hand, are anxious to preserve their own language, which is the outer rampart of their institutions. These institutions are not the most advanced in the world, but they suit the Boer. "Why are laws made?" asks the friar in "Maid Marian." "For the benefit of somebody. Of whom? Of him who makes them, first, and of others as it may happen." If the laws do not suit the alien, he is at liberty to leave the country whenever he likes. Oom Paul is no Pharaoh.

If the Transvaal were an absolutely sovereign state, Great Britain would have no right to demand any change in its internal policy; but the Transvaal is not a sovereign state, and the question remains whether Great Britain has by treaty or by international law any right of control over the internal affairs of that republic. The relations of the two countries are determined by the Convention of Pretoria (1881) and the Convention of London (1884).

By the Convention of Pretoria Great Britain became the suzerain power. "The term suzerainty," said Lord Kimberley, "has been chosen as most conveniently describing superiority over a state possessing independent rights of government, subject to reservations with reference to certain specified matters." The British Government secured the right to appoint a resident to take care of British interests, and especially to protect the natives. She also reserved the right to transport troops through the territory, and the right to control the foreign affairs of the republic, to negotiate treaties, and to conduct all diplomatic correspondence.

Thus the Transvaal, in its internal and external affairs, was made subject to Great Britain. But this convention did not suit the Boers; and in 1884 a new agreement was made. The word suzerainty does not appear in that convention. The functions of the British resident were limited to those of a consul-general. The right to transport troops through the country was given up. Slavery was renounced, and

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religious liberty assured. The Transvaal was permitted to conduct its own foreign relations. The only restriction of freedom of action is found in Article 4, which declares :

"The South African Republic will conclude no treaty or engagement with any state or nation, other than the Orange Free State, nor with any native tribe to the eastward or westward of the republic, until the same has been approved by Her Majesty the Queen."

The article goes on to say that the approval may be presumed if, within six months from the time of receiving a copy, Her Majesty shall not have declared the treaty contrary to the interests of Great Britain, or of one of her possessions in South Africa.

The international relations of Great Britain and the Transvaal are determined principally by the Convention of London. This convention was not an agreement between equals : it was unilateral. The word suzerainty was not used ; but Article 4, which gives Great Britain a right of veto in regard to treaties, clearly places the Transvaal in the position of a state which is, at least, something less than absolutely sovereign. The Transvaal is, then, a semi-sovereign state. But this may mean anything from almost absolute sovereignty to almost absolute dependence.

Mr. Westlake, one of the greatest English authorities on international law, argues that England's ultimate control of the foreign relations of the Transvaal implies the necessary consequence, that she should accord the Transvaal the protection which the latter is prevented from seeking for itself in other alliances. Hence, he arrives at the conclusion that the Transvaal is a protectorate like Tunis, Zanzibar, or the Ionian Islands, in former times. From this he draws the further conclusion that, besides the rights that are expressly recognized by the treaty, a protector state may claim those privileges which may be indispensable to it in order to permit it to fulfil its duty as a protector without submitting to unnecessary inconvenience. But he adds that this intervention is justifiable only when the conduct of the protected state renders probable those consequences against which the protector has a right to defend itself. This is the best case that can be made out for British intervention in the Transvaal.

Even if this manner of looking at the subject be adopted, it does not necessarily follow that the British Government has a right to intervene in behalf of the Uitlanders, under the present circumstances. The Transvaal is struggling for its very existence. The danger from

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the invasion of miners is as real as if it were an invasion of armed men; for it is all one to have your Government captured by a troop of horse, or to have your privileges taken away by alien voters. If Great Britain has any duty as a protector, it is the duty of strengthening the hands of the South African Republic. It cannot be the duty of a protector to force upon its *protégé* measures which may give peace for a season, but which seem to lead ultimately to the annihilation of the protected government.

However, it is by no means conceded, notwithstanding Mr. Westlake's able argument, that Great Britain possesses the general right of a protector to intervene in the internal affairs of the Transvaal. It may be admitted that the Transvaal is a semi-sovereign state, and that Great Britain is the Paramount Power with a right of veto in regard to treaties. But the exact relations of England and the Transvaal depend upon the Convention of London; and the interpretation of that agreement depends, in great measure, upon the ideas in the minds of the framers of the convention. The subtle and scientific train of reasoning by which Mr. Westlake arrives at the conclusion that the Transvaal is a protectorate, and that, therefore, the suzerain power may, upon occasion, intervene in its internal affairs, probably never entered the mind of Lord Derby or that of Mr. Krüger. It seems evident from the convention itself, as well as from the negotiations which led up to it, that the high contracting parties agreed upon the following terms: Great Britain was to give up her right of control in the internal affairs of the republic, and to retain, practically, only the right of veto in regard to treaties.

The Transvaal at that time was of little interest to Englishmen, and they were willing to give it almost absolute sovereignty; reserving only the ultimate control of treaties—a right which might be useful to the principal power in South Africa. Lord Derby, who was one of the negotiators, expressed his views in his letter of February 15, 1884, in which he said that, by the omission of those articles of the Convention of Pretoria which attributed to Her Majesty or to the British resident certain special faculties or functions as to the internal administration and external relations of the Transvaal state, that Government would be free to administer the country without interference, to conduct its diplomatic relations, and to regulate its external politics, under the sole restriction of Article 4, which provides that no treaty with another state shall be valid without the consent of Her Majesty. There was apparently no idea that the right of inter-

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vention in domestic legislation or internal affairs could be considered as a natural appurtenance to the right of veto in regard to treaties.

The interpretation of an agreement, as I have just indicated, is determined principally by the intention of the parties thereto. It seems that by the Convention of London the high contracting parties intended to make the Transvaal a semi-sovereign state, limited in its power of making treaties, but free from intervention in its domestic affairs. Consequently, it does not appear that England has a right to demand any change in the law of the franchise, or in any other measure of domestic policy in the South African Republic.

JAMES GUSTAVUS WHITELEY.

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LITERATURE OF THE PACIFIC COAST.

THE phrase "Literature of the Pacific Coast" seems quite as useful as the similar phrases "Literature of the South" or "Literature of New England." All alike serve to group conveniently a large number of writers, without claiming that they form a "school." In the story of this literature California occupies a place even more prominent than does Massachusetts in the literature of New England; and the greater part of the writing done in California has been in the department of fiction.

Nearly twenty-five years ago one of the most capable editors of that period, Mr. W. C. Bartlett, of the "San Francisco Bulletin," made a quarter-centennial review of the "Literature and Art of California;" and now, as the century rounds to its close, it is perhaps time to look over the entire fifty years since the first Pacific Coast book written by an American was published, and to consider whether any real contributions to literature have come from the region west of the Rockies.

In 1875 the judicious Mr. Bartlett could rightfully plead:

> "It is early springtime in California. What would you have more than some wayside evidences of the serene summer yet to follow and an intellectual fruitage of which the gold and purple of the vintage are but the faintest symbols?"

He made what was in reality only a partial list of more than one hundred and fifty volumes other than pamphlets, school-books, and law reports, which had been written, up to 1875, by persons living in California, under the exacting conditions of pioneer life. Among them were Mark Twain's "Jumping Frog of Calaveras," Bret Harte's "Luck of Roaring Camp," Charles Warren Stoddard's "South Sea Idyls," E. R. Sill's "Hermitage," Joaquin Miller's "Songs of the Sierras," and John F. Swift's famous political novel, "Robert Greathouse." It was a longer list of books, so Mr. Bartlett said, than could be compiled for the great State of Ohio during the same period, or even for all the other States and Territories west of the Mississippi.

Not in literary poverty, but out of an almost riotous affluence of new impressions were these books created. It has become the fashion

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of the hour among some of the younger Pacific Coast writers to laugh at this "red shirt pioneer period," and to swear that its literature has now forever passed away. Some well-trained novelist, however, may sooner or later pick up the period, and write a story of the mining camps that will stand beside Mrs. Jackson's "Ramona" or Mr. Stimson's "King Noannet" for abiding human interest and faithful reconstruction of a forgotten past.

But, after fifty years shall not infinitely more and better literature be expected of California than its first quarter-centennial had to offer? Now, it has its two universities—one of them established thirty years ago—its normal schools, high schools, and private institutions of learning everywhere. Still, be it remembered, half a century in the life of even the oldest of these Pacific Coast commonwealths is little indeed compared to the hundreds of years that have broadened the intellectual life of Massachusetts or New York. It is hardly more than late springtime here. The showers are yet falling on the fertile soil, and new-sown seeds are waking into life.

Much, very much, indeed, has been expected these many years in the way of literature from the whole Pacific Coast. So marvellous were the ancient glories of Greece, Italy, Spain, and Palestine that the tradition lingers everywhere, that lands of the olive, orange, and vine must at last blossom into splendid literature. Bishop Berkeley long ago gave it expression, and so did Kingsley, Froude, Sir Richard Burton, Bayard Taylor, and an army of other travellers and philosophers. Some of them have attempted to found social or literary Utopias on the shores of Puget Sound, in hidden Sierra valleys, or in oases of the desert. Madame Modjeska's colony in southern California, where Sienkewitcz toiled and suffered, is perhaps as widely known as any except that strange community near Santa Rosa, now broken up, where Lawrence Oliphant lived and did the work of a menial.

Notwithstanding such failures of social schemes an outdoor life, under floods of sunshine, in a new land, always gives large promise of literary development. The mingling of varied elements in the history of the Pacific Coast furnishes the material for highly original works of fiction. Far back of the red-shirted miners were trappers, traders, and hunters, Russian explorers and colonists, native tribes, Spanish soldiers, priests, and home-builders. But mere wealth of literary material is not sufficient: well-trained observers of life as it actually exists are always essential.

These trained observers in any new region are at first men and

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women with the outside view—visitors to whom everything is fresh. All of the really excellent novels of a community are necessarily written by outsiders, until some of its own sons and daughters have become cosmopolites in spirit, by travel or study. Even in older lands the value of the exotic view is surprisingly great. Crawford, better than any of his Italian contemporaries, gives expression to the life of modern Italy; Kate Douglas Wiggin illuminates new traits of English and Scotch character, seemingly unknown to their native writers. As for the Pacific Coast very few even of its present prominent poets, critics, historians, essayists, and novelists were actually born in the regions which they so well understand. Many of them, indeed, have been mere literary tourists; but even these have often done good work. Those who best realize that great fiction can be produced only by one who has the inside view, properly strengthened by outside experience, have settled down in California, Nevada, or wherever their subject happens to lie; and we rightfully call them all our own. Before Mrs. Jackson wrote her "Ramona" she had become, in some essential particulars, a Spanish-Californian. To this hour the old Spanish families of Los Angeles, Ventura, and Santa Barbara, of whom Mrs. Jackson obtained her best materials, treasure her memory, not as the famous author, but as the loving friend. Seeds from an *Eschscholtzia* that Mrs. Jackson transplanted from a hillside to a Los Angeles garden are still distributed among old-time families as mementos of her visit.

There are others besides Mrs. Jackson who understand the Pacific Coast as it really is. Margaret Collier Graham and Charles F. Lummis, in southern California; Ella Higginson, on the shores of Puget Sound; W. C. Morrow, Frank Norris, Mrs. Loughead, Horace Annesley Vachell, Charles S. Greene, and others, who have done such excellent work for San Francisco publications, have, in like manner, joined inside knowledge to outside experience. Wherever life exists there is abundant literary material, as every trained writer knows; but, even after fifty years, far too few of its finer flowers have been gathered by the children of the soil.

Although, according to this view, nearly all the best writing yet done on the Pacific Coast has come from adopted citizens of the local republic of letters, there is, beyond question, another side to the story; for it is by the same class of writers that the worst blunders have been made. Every year books are published that reveal the utmost conceivable haste, folly, and ignorance. When the outsider fails to obtain real inside knowledge, chaos follows: our geography becomes

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painfully mixed; flowers bloom and fruits ripen at the wrong seasons. It is even possible that California grizzlies are permitted to return from the heaven of good grizzlies and wander, as in one novel of the '80s, across the lands of a populous Fresno colony! Such outside writers as these think that a few Chinamen, bonanza millionaires, deceived land-buyers, orange groves, and old missions are sufficient to paint a California novel with local color. This, however, is one of those cases in which the color cannot be applied afterward; it must be mixed with the soft clay and fired in the furnace.

Such is the peril of the too-hasty outsider, who stumbles forward to his novel before he has mastered the local alphabet. But the native "to the manner born" encounters his own especial difficulties; often overlooking as uninteresting, because common, the clew to some important problem, or lacking the capacity of comparison and broad generalization. In a preface to a little local novel one of these struggling authors says: "The writer in the far West contends with the nudity of vice in its most repulsive forms, sorcery and an oppression, gross materialism in the frantic struggle for wealth; yet counterbalancings come, new delights, freedom from conventionality and artificiality, and a happy prosperity of the whole of these rights." This is magnificently mixed, particularly "sorcery and an oppression;" but its picturesque expressiveness is not to be gainsaid.

Nevertheless, though affectionate acceptance of one's environment generally seems to ill-equipped authors merely a weak compact with Satan, it remains a sound rule of art that permanent literary success requires the utmost fidelity to local conditions. Good literature must always be what some critics are pleased to call provincial. Whoever writes a great novel must draw his material from the life that he knows best. He thus creates "local color;" makes a native literature; contributes a new element to the literature of his race and language. If one is so afraid of being called provincial that he refuses to learn of older communities the things they can teach, he has simply fallen into the quagmire of a deeper provincialism. If one so fears the reproach that he clings desperately to the skirts of some larger but alien literature, importing its point of view, its phrases, its exhausted atmosphere, he is infected with the most banal form of provincialism.

Whatever, then, is worth the name of Pacific Coast literature has been hewn out of our native rock. That first California glow failed and faded; the men and women who had founded the "Overland Monthly" were scattered far and wide. One era closed darkly;

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another opened with the building of transcontinental railroads; making new economic conditions on the Pacific Slope. Wheat-farms yielded to orchards of citrus and deciduous fruits; and thousands of newcomers poured into the land of which so much had been said and written. Not a single really great novel has yet embodied this second, and still-continuing, conquest of a vast domain. Separate episodes have indeed found permanent literary form. Morrow's strenuous novel of the Mussel Slough fight, "Blood Money," and Loyal's "Squatters and the Don" serve to keep record of struggles against the railroad; Royce's "Feud of Oakfield Creek" emphasizes still-continuing disputes over land-titles; Van Dyke, in his "Millionaires of a Day," describes the exciting era of real-estate speculations in southern California. But only upon a gigantic canvas could the social and political life of the Pacific Coast be fitly made visible; and the time for this larger view is yet far off. Heretofore, no writer has sufficiently studied the region and its people to venture upon the larger flight. We have not even had any novel justly entitled "The Californians," "The Arizonians," or "The Oregonians,"—much less "The Ultimate West."

Even now, after all these fifty years, the real Pacific Slope is but superficially known to the rest of the world. Some of its archæology, geology, botany, natural history, climatology, and physical geography can be studied in five hundred or more of the Government publications. Innumerable tourists have journeyed along its highways; many an explorer has searched its remoter wildernesses, and still it remains ill understood. It covers more territory than all of the seaboard States of the Atlantic, and it represents infinitely greater diversities of soil, climate, and productions. For the main part it is a region of foothills, of rolling uplands, of great mountains and high plateaus. Almost everywhere the sunlight pours for months, all day long, through its clear, dry air. It is America's share of the most precious and inspiring atmosphere known to the world. Spain and Italy have a little; Arabia, Persia, and northern Africa a little more; but the Pacific Slope possibly contains more square miles of this kind of sun-vitalized territory than all the rest of the world put together.

Into this land, which the physicist studies with increasing surprise, came the American pioneers, fifty years ago, and even while conquering yielded to its spell. Breaking away from the rest of the world, they became Oregonians or Californians; a little later, by a secondary impulse, many of them became Arizonians and men of Nevada.

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Isolated, and thrown on their own resources, they formed their own social order and created their own literature.

This literature necessarily differed from that of old and settled communities, in which the word "literature" often has a narrow meaning, and is something that a commercial firm publishes, a paid critic labels. In pioneer communities, on the other hand, a mere newspaper is often full of literature. It may even have a Mark Twain or a Charles Warren Stoddard as a reporter, a Bret Harte or a C. C. Goodwin as an editor. In new countries literature has no middlemen: any one who chooses may publish a pamphlet or a book and may win instant hearing. Under such conditions, an intelligent community gains especial aptitude of expression; it becomes its habit to say things with force and exactness; the raw material of literature seems for a time to be everywhere and at every one's service.

Aside from school-books and law-books about five thousand books and pamphlets have been published on the Pacific Coast, or, though published elsewhere, through accident or necessity, are, nevertheless, an essential part of our literature. San Francisco has been the metropolis since 1849; but lesser cities, such as Portland, Los Angeles, Sacramento, Tacoma, and many others, have an active and rapidly increasing literature of their own; while almost every country town and obscure country newspaper may rightfully claim some share. Poems, novels, and essays have been printed in places too small to appear on the map; and though few of them survive, even in the collections of the most ardent bibliophiles, one cannot deny that all must help, by their death and disappearance, in the slow formation of that soil from which more enduring literary growths may hereafter rise.

One might ask, What books published elsewhere can rightfully be said to belong to Pacific Coast literature? Such things as Dana's "Two Years Before the Mast," Bayard Taylor's "El Dorado," Buffum's "Six Months in the Gold Mines," the San Francisco chapters of Stevenson's "Wreckers," and many other writings known to every library are as truly a part of the literature of the region they describe as anything published in the pages of Ewer's "Pioneer Magazine." But hardly two persons would agree in details respecting such a list. In fact, nothing of any consequence has been written respecting Californian authors and their work since Ella Sterling Cummings published her "Story of the Files" (1893); and that book, though full of interest, was marked by many minor inaccuracies. There is certainly room for a new catalogue or dictionary of Pacific Coast writers and

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writings—a volume which shall conveniently marshal all available facts relating to the subject, but shall not attempt to make impossible classifications. The theme is hereby suggested as worth the attention of some trained California librarian or of some postgraduate student of one of the universities.

Let us now turn from these somewhat general considerations to a more detailed account of the characteristic elements in Pacific Coast literature. The literature of the pioneers, heretofore alluded to, includes not merely what Dr. Gally used to call "Bret Harte's long-tom and rocker literature," but also his own inimitable stories of the Nevada deserts, and many another writer's picturesque transcripts of life on the Pacific Coast. It runs riotously through the pages of the "Pioneer," the "Golden Era," Hutching's "California Magazine," "The California Mail-Bag," the first series of the "Overland," the early files of the "Record-Union," the "Bulletin," "Alta California," Virginia City "Enterprise," and more than a hundred local newspapers that voiced the aspirations of pioneer communities scattered here and there from the Gila to the Columbia. The "Californian," the new series of the "Overland," the "Illustrated Californian," the "Ingleside," the "Argonaut," and other publications continued to cultivate this pioneer literature; but the first fine enthusiasm long ago passed away. Nevertheless, coming when it did, this class of writing was a new thing, and an important gift to American literature, chiefly because it showed the genuine pioneer at work and at play. Later American literature has had too much of the overwrought, Wolfville types of pioneers. Any one who cares to make the comparisons will find that Bret Harte's miners and Dr. Gally's stage-drivers and cow-boys ring much more true than do the theatrical kinds so common in recent surface-studies, which are amusing but not durable. Even Owen Wister's Shasta desperadoes seem to be mere importations from the Middle West.

There has been a very interesting accumulation of historical material, upon which poets and novelists have already drawn, and will continue to draw more and more lavishly in years to come. Among such are the store-houses of Hittell, Bancroft, Dwinelle, and others, the publications of several historical societies, and noteworthy translations from old Spanish records. The Native Sons have recently planned to endow a chair of California History in the State University. A glance at the files of Pacific Coast periodicals will show that historical writing has always had a prominent place, and that the be-

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ginnings of such States as Washington, Oregon, Nevada, and California have been thoroughly well studied by many persons who are not willing to take any one's statement on credit. There is also a large body of controversial literature on such subjects as the Bear Flag, Fremont's expeditions, and the discovery of gold.

Closely related to the historical literature of the Pacific Coast is a great and growing body of local economic literature. "Progress and Poverty" is the most widely known book in this line; but various volumes of essays, notably those of S. E. Moffett, and such pamphlets as those of Prentice Mulford have had their influence elsewhere. One of the most readable of novels in this field is "Better Days," by Thomas and Anna Fitch.

For fifty years there has been an almost ceaseless flood of poetry of every description. Californian poets have been more in evidence in magazine offices, so editors say, than those of any other region; and the "local poet" corner of the country newspapers of the entire Pacific Coast has always been a recognized institution. Three or four hundred books and pamphlets of minor verse have been printed—mostly at the expense of the singers. Some of these came from ranch-laborers, servant-girls, dress-makers, cooks, and confectioners. Rightfully forgotten though most of them have been they still emphasize a fundamental truth; namely, that the love of verse-making in a new community is one of the most promising signs of future literary achievements. Nor has there been lack of true poetry since the days of Pollock; for Ina D. Coolbrith, Emma Frances Dawson, Joaquin Miller, Charles Edwin Markham, and Irene Hardy are still with us and still write; we still claim John Vance Cheney, Charles Warren Stoddard, and many a promising young magazine poet; we have the finished work of Edward Rowland Sill and that of some whom he taught.

California has produced rather more than its proportional amount of strange, weird, or occult literature. Shelves full of books have been written on such subjects, some to prove curious theses or to organize new societies, others simply as efforts of the imagination. The books and pamphlets of the more serious sort deal with every phase of things unseen, with psychomancy, theosophy, spiritualism, night-visions, prophecies, and a thousand obscure forms of human belief. This field is occupied by many novels, whose scenes are laid in Peru, Mexico, Egypt, Central Africa, India, at the North or the South Pole, in the centre of the earth, or on distant planets. Mrs. Waite's "Yermah the

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Dorado" describes life in a prehistoric California. Mrs. Birkmaier's "Poseidon's Paradise," a most careful and conscientious romance of Atlantis, deserves to be more widely known.

Wonder-tales of the purely imaginative sort are perfectly at home in the soil of California. Some shorter stories in this vein seem to be destined to long life and wide fame. They can be compared only to the best work of Poe, or of O'Brien, whose "Diamond Lens" is so justly reckoned a masterpiece. "Caxton" wrote wonderful stories many years ago, and they still keep going the rounds of the newspapers. In more recent years, Robert Duncan Milne has put into short stories a genius quite equal in dynamic force to that of Wells; still later, Emma Frances Dawson, W. C. Morrow, Geraldine Bonner, Ambrose Bierce, and others have told their weird tales with a short-story art worthy of long remembrance. It is to be regretted that no continued flights of the imagination have as yet been successfully attempted by California writers in this field.

It is curious, when one comes to think it over, that the Indian has had so very little part in Pacific Coast fiction. A few half-forgotten books shadow forth vague, romantic Indian men and women in Oregon, Nevada, or northern California; and one very commonplace novel, "California 350 Years Ago," tried to recreate the life of the coast tribes. Father Crespi's Narrative as well as other records of the Mission priests and Stephen Powers' studies of the California Indians throw more light upon these autochthons than all the feeble tales and pallid Ossian-like romances that have ever been written about them. But the Pah-Utes of the Comstock region hop-picking every year in California, the Indians of the great Rancho Chico learning new arts under the wise teaching of Mrs. General Bidwell, the fast-disappearing Wintoons of Shasta becoming guides and hunters to white men, and many others long so strangely neglected might be made quite as interesting as Mrs. Jackson's "Temeculas."

The Spanish period, so-called, has had a different history. Many persons have written of it in novels and short stories, some of which are justly famous. Mrs. Louise Palmer Heaven, who wrote "Chata and Chinita," a strong story of the Mexico of the days of Juarez, might have done excellent work in the more difficult Californian field. J. Ross Browne, in his "Dangerous Journey," showed how well he understood the California of the Conquest. Bret Harte brings to some of his short stories of the Spanish times much less sympathy, but infinitely greater literary art. The one writer who has most fully

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stamped her own interpretation upon the era, however, is Mrs. Gertrude Franklin Atherton, whose "Doomswoman," "Los Cerritos," "The Californian," "Daughter of the Vine," "A Whirl Asunder," and other novels of California life have certainly attracted wide attention. Reading those novels of Mrs. Atherton's that deal especially with colonial California one finds a great deal of creative ability, joined to a dramatic force that has gone far toward imposing her view of the Spanish-Californian upon the literary world. That view, however, is decidedly at odds with the calm, historical view which must, in the long run, find equally brilliant novelists, and so win the field.

According to the students it must always be difficult to understand the isolation of early California, the almost entire lack of intellectual activity, and, in brief, the very primitive conditions of the daily life of the people. These things can be expressed in truthful terms, to modern perceptions, only after a painstaking study of the religion, social life, and character of Mexico and Old Spain as well as of the Alta California of 1769–1847. Mrs. Atherton sets forth this period in gorgeous colors, sometimes glowing with stately, old-world effects, sometimes passionate with Parisian intrigues, but always too complex and always too modern. There is no good reason why fiction should substitute anything else for the ignorant, simple-hearted Spanish-Californian señor of the first half of the century.

The life of the Spanish people of the period of the Conquest and afterward furnished, of course, much sharper contrasts than did their colonial period; and the complicated social and political elements, then mingled in every direction with the impetuous American pioneer life, might well be the despair of any novelist. Caught up here and there in glimpses and episodes, and told in lesser stories, that life still waits for some master of circumstance to shape it into what all critics shall recognize as one of the greatest of American novels.

There are certain humorists of the Pacific Coast whose poems, sketches, and stories are read in all countries. People still laugh over "Phœnixiana," and will do so as long as official red tape remains to be burlesqued. Back in the Alameda hills once lived J. Ross Browne; and his free sketches from life are still classics of their kind. Bret Harte's famous "Heathen Chinee," and much besides, maintained California's well-deserved reputation for humor.

Not until the Comstock was discovered, however, did that invincible, climatic humor of the Nevada deserts find expression. Mark

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Twain's "Roughing It" and "Jumping Frog of Calaveras"—in spirit wholly a Nevada concept, though located in California—were no better in their way than the work of Henry Mighels, Dr. Gally, C. C. Goodwin, Dan DeQuille, Fred Hart, of the "Sazarac Lying Club," and, in later years, Sam. B. Davis and Arthur McEwen. The stories told by old-time editors of the sage-brush State have gone around the world. They are now seeking new camp-fires in Alaska and South Africa.

If Brooks, Avery, Harte, and their compeers discovered the humor of the early placer-mining period, it was left for George Jessop, about ten years ago, to make classic certain types of the Irishman in California, as in his "Rise and Fall of the Irish Aigle." Fernald's "Cat and the Cherub," "Cruel Thousand Years," and all his unequalled work in this field of Chinese stories are so widely known that the merest allusion is sufficient. Only a little while ago, a few young artists and writers in San Francisco began "The Lark," and woke up to find that its erratic flights had achieved national fame. Now, it really begins to look as if Gelett Burgess, of the "Purple Cow" verse, were one of the coming American humorists.

California fiction in its more recent forms has been largely experimental. A great number of promising writers are eagerly searching for fresh material. Emma Wolf, who wrote in "Other Things Being Equal" a finely conceived novel of Jewish life in San Francisco, has continued to produce capable stories. "Thomas H. Brainerd," who is Mrs. Mary H. Jarboe, has written "Robert Atterbury," "Go Forth and Find," and other excellent novels. Col. R. H. Savage and A. C. Gunter continue to produce a myriad-voiced literature of adventure that occasionally chooses for its scene of action Alaska, Oregon, Fremont's famous Mariposa Grant, or the wilds of Arizona. That brilliant iconoclast, Charlotte Perkins Stetson, daughter of the equally brilliant Frederick B. Perkins, will always be claimed by California; for some of her best work was done here. Charles F. Lummis, who has settled down in southern California, has written for young people more than one charming tale of that Southwest which he knows so well. Ella Higginson, turning somewhat from verse-forms to prose-forms, has written in recent years a number of charming short stories portraying life and character in her Puget Sound country. Mrs. Ninetta G. Eames, of Berkeley, has long exercised her descriptive talent upon widely varied magazine work. Worthily known for several clear-cut and telling novels of California life, such

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as "The Man Who Was Guilty," is Mrs. Flora Haines Loughead, a trained newspaper worker of San Francisco.

One of the most capable writers that California ever possessed is Prof. E. S. Holden, author of "The Mogul Emperors of Hindustan," and of several more recent books, all showing an astonishing range of knowledge, and a most luminous style. If Prof. Holden should ever write a novel of California social and political life, it would be more than the sensation of an hour.

Frank Norris' "Moran of the Lady Letty," that vivid tale of adventure, is still a growing success, and cannot be lightly passed over. He has been told by more than one critic that the closing chapters of the tale are unsatisfactory; but it is hard to overpraise the fight on the beach, or Moran, the Viking's daughter. To many of us his last book, "McTeague," seems to hold nothing equal to the best episodes of "Moran of the Lady Letty;" and we wish he would leave the cities, to dwell with mountains, oceans, and primitive passions, where his true strength lies.

Two other young Californians, Juliet Wilbor Tompkins, author of several very striking short stories, and Elizabeth Tompkins, author of "Her Majesty," "An Unlessoned Girl," and one or two other novels, have every right to be considered as in the front rank of the new writers of the Pacific Coast. Like W. C. Morrow, F. B. Millard, Frank Norris, Gelett Burgess, Geraldine Bonner, Charles Dwight Willard, and others of the younger group, they are newspaper-trained, practical, efficient, and up to date.

Now and then some one complains that the writers of the Pacific Coast must have been neglected by their own people, because so many of them have gone away; but the same thing is no less true of the writers of the South and the Middle West. Unless fortunately situated, financially, they must go where the market is, seek publishers, make connections, and join the great army of fellow-workers in London, New York, and other cities of literary activity. Their growing fame is ours, and they never wholly leave us. Bret Harte, Noah Brooks, and Mark Twain were among the first to go; then Charles Warren Stoddard and Henry George; then Kate Douglas Wiggin and John Vance Cheney; and, in recent years, many of the more talented of our younger writers have left us. It is pleasant to note how well they succeed, how loyal they remain to the Pacific Coast, and how steadily others rise to take their places here and then follow them into the larger literary world.

CHARLES HOWARD SHINN.

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